

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 403 of 2019

Ramrao Pundlik Katale

Vs.

State Through P.S. Jalalkheda Dist. Nagpur Rural

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. Agrawal, Advocate for applicant
Mr. N.R. Rode, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 25, 2019

The applicant herein has approached this Court for grant of bail in respect of offences registered against him under Sections 376, 342 of the Indian Penal Code and Sections 9(n) punishable under Section 10 of the Protection of Children from the Sexual Offences Act.

2. It is pointed out that investigation was completed and chargesheet is filed in the present case on 04/01/2019 and that the trial has commenced. It was pointed out that initially the applicant did not have any legal aid and he was represented by a counsel for the first time when the applicant moved application for grant of bail on 27/02/2019. It was submitted that the Sessions Court while rejecting the application for grant of bail emphasized on the fact

that the trial had commenced and when the matter was fixed for evidence of the minor victim on 14/02/2019 and her evidence was recorded that on the next date immediately the application for bail was moved. It was pointed out that the Sessions Court rejected the application for bail mainly on the ground that the trial has already commenced and it was expedited.

3. It was submitted by the learned counsel for the applicant that after rejection of his bail application by the Sessions Court by order dated 02/03/2019, there has been no progress in the trial. It was pointed out that if the oral report leading to registration of FIR is perused, it would be evident that the applicant could not be said to be responsible for the serious offence in respect of which the FIR stood registered. It is submitted by the learned counsel for the applicant that the applicant is 62 years old person and that there was no material brought on record as of now by the prosecution to connect the applicant with the serious offence and that considering the slow progress of the trial, the applicant deserved to be enlarged on bail.

4. On the other hand, learned APP has opposed the application and pointed out that since the trial has already commenced, appropriate direction for expediting the trial could be given. It is pointed out that the victim in the present case is a minor, about

four years old, and if the applicant is enlarged on bail, there is a clear possibility of influencing the witnesses. On this basis, it is submitted that the present application deserves to be rejected.

5. Having heard contentions of the rival parties and upon perusal of material placed on record, it is evident that the applicant is charged for the offences under Section 342 of the Indian Penal Code for wrongfully confining a minor and for the offence under Section 9(n) R/w Section 10 of the POCSO Act, prescribing sentence of five years. The nature of the incident in the present case shows that the applicant is alleged to have picked up the four years old minor victim and confined her in his house and when he was found in her company by the parents of the victim, he was indulging in the act, leading to the aforesaid offences with which he has been charged. There is no indication of any prior enmity between the family of the victim and the applicant, indicating any possibility of false implication.

6. It has also come on record that the trial has already commenced and that the evidence of the victim was in fact recorded on 14/02/2019. Considering the fact that there are only about 21 witnesses to be examined by the prosecution, and in view of the serious nature of the charges levelled against the applicant and the fact that four years minor victim is

involved in the present case, it would be in the interest of justice, that the trial in the present case is expedited and the application for bail is not granted.

7. Accordingly, the present application is dismissed. The Trial Court is directed to complete the trial proceedings and to render Judgment within a period of six months from today. In case the said time limit is not adhered to by the Sessions Court, the applicant would be at liberty to renew his prayer for grant of bail.

8. Application is disposed of accordingly.

JUDGE