

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO. 313 OF 2020

Mohamad Saidul Muslim Shaikh ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Reshma Mutha for the Applicant

Mrs. S. V. Sonawane, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 2nd NOVEMBER 2020
(THROUGH VIDEO CONFERENCING)

P.C. :

1 Heard learned counsel for the applicant and the learned A.P.P
for the Respondent-State.

2 This is the second bail application preferred by the applicant
seeking his enlargement on bail in connection with C.R. No. I-156 of 2017
registered with the Palghar Police Station, Palghar, for the alleged offences
punishable under Sections 370A, 370B, 376, 328, 341, 120B, 323, 504,
506, 34 of the Indian Penal Code; Sections 4, 6, 8 and 12 of the Protection
of Children from Sexual Offences Act; under Sections 4 and 5 of

Prevention of Immoral Trafficking Act; under Sections 3 and 6 of Passport Act and under Section 14 of Foreigners Act.

3 Learned counsel for the applicant submits that although the trial of the applicant was expedited by this Court vide order dated 6th August 2019, there has been no progress in the same. She submits that till date, charges have not been framed in the said case. Learned counsel has filed a Roznama in the said case. She submits that the applicant is languishing in jail, since 2018 and that the prospects of the trial commencing and concluding in the immediate near future is bleak.

4 Learned A.P.P opposes the application. She submits that there is no change in the circumstances warranting interference in the earlier bail order.

5 Perused the papers. The applicant's first bail application being Criminal Bail Application No. 987 of 2019 was rejected on merits by this Court (Coram : Revati Mohite Dere, J.) vide order dated 6th August 2019. Whilst rejecting the applicant's application for bail, the trial of the applicant was expedited. The earlier order is rejected having regard to the fact that huge money transactions were made from the Axis Bank Account, which

stood in the name of the applicant. Similar offences have been registered against the applicant in five different police station. It appears that even in those cases, the nature of allegation is similar to that of the present case i.e. the applicant, on the pretext of giving victim girls job, including minors, sold them for Rs. 1,00,000/- each.

6 As is noted in the earlier order, the possibility of applicant tampering and intimidating witnesses who are vulnerable, if enlarged on bail, cannot be ruled out.

7 It appears that due to the pandemic, there has been no progress in the case. Learned A.P.P assures that the applicant will be produced on the dates given by the trial Court either through Video-Conferencing or physically, as may be directed. She also assures that all the witnesses in the said case will be kept present on the dates given by the trial Court.

8 Having regard to the fact that the applicant is in custody since 2018 and with the new SOPs issued by the High Court, trials have commenced, it would be appropriate to direct the trial Court to conclude the said case as expeditiously as possible and in any event within 12 months from the date of receipt of this order.

9 Application is rejected and is accordingly disposed of on the above terms.

10 All concerned to act on the copy of this order, digitally signed by the Senior Private Secretary of this Court.

REVATI MOHITE DERE, J.