

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2344 OF 2019

Jagdish Shankar WankhedeApplicant

v/s.

The State of MaharashtraRespondent

Mr. Nilesh J. Mohite, Advocate for the applicant.

Smt. Sharmila Kaushik, APP for the State.

CORAM : SANDEEP K. SHINDE, J.***Thursday, 20th February, 2020.*****P.C. :**

1. Heard.
2. Applicant is an accused in POCSO Special Case No. 414/2017. The trial in this case was expedited by the learned Special Court on 21st March, 2018. In view whereof, though the charge has been framed, prosecution could not examine the two victims, for want of presence. In this case, the prosecution has alleged that the applicant had

sexually exploited the victims who were his close relatives. Having regard to the evidence on record, i.e., the statements of victims under Section 164 of the Criminal Procedure Code and also a statement under Section 23 of the POCSO Act, I have no reason to disbelieve them at this stage and hence the application is rejected.

2. However, taking into consideration the peculiar facts of the case, if the victims are not available and/or found reluctant to depose in the Court, the learned Special Court may examine the other witnesses and further by adopting such recourse, secure the presence of the witnesses (victims) and conclude the trial within six months from today.

3. I have issued these directions against the victims who are none other than the daughter and granddaughter of the applicant and further the applicant is 63 years old. The Bail Application is rejected and disposed off in the aforesaid terms.

4. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of refusal to grant bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)