

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

CRIMINAL BAIL APPLICATION NO. 353 OF 2021

Ahmed Razak Shaikh
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. Gautam T. Kanchanpurkar for the Applicant

Mr. P. H. Gaikwad-Patil A. R. Patil, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 16th MARCH 2021

P.C. :

1 This is the second bail application preferred by the applicant seeking his enlargement on bail in connection with C.R. No. 478 of 2016 registered with the Bhandup Police Station, Mumbai, for the alleged offences punishable under Sections 363, 354(B), 376, 376(2)(J) and 376(2)(l) of the Indian Penal Code and under Sections 3, 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act.

2 Learned A.P.P submits that the trial of the applicant has commenced and that till date, 7 witnesses have been examined. He submits

that the next date before the trial Court is today. He submits that since the trial has commenced and is being conducted expeditiously, no interference is warranted. He submits that no ground is made out for enlarging the applicant on bail, more particularly, when the applicant's first bail application is rejected on merits.

3 Mr. Kanchanpurkar submits that the applicant is languishing in jail since 2016 and that the trial will take some more time and as such the applicant be enlarged on bail.

4 Perused the papers. The applicant's first bail application i.e. Criminal Bail Application No. 2539/2017 was rejected by this Court (Coram : Revati Mohite Dere, J.) vide order dated 12th April 2018. The same is rejected on merits, considering the *prima facie* material against the applicant and more particularly, the age of the survivor. It is also recorded in the said order that the possibility of the applicant tampering with the evidence/witnesses cannot be ruled out. Considering the age of the survivor i.e. 10 years, the trial of the applicant was expedited. It appears that till date, 7 witnesses have been examined and the prosecution intends to examine 4 – 5 more witnesses.

5 Considering the aforesaid, no ground is made out for considering the applicant's second bail application. Application is rejected.

6 However, since the trial has commenced, the learned Judge to conclude the same as expeditiously as possible and in any event, within 4 months from the date of receipt of this order.

REVATI MOHITE DERE, J.