

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

CRIMINAL BAIL APPLICATION NO. 1168 OF 2021

Suraj @ Surya Mahattam Mandal	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ashok M. Saraogi for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
FRIDAY, 30th APRIL 2021

P.C. :

1 This is the second bail application preferred by the applicant.

2 Since the Court is not inclined to enlarge the applicant on bail, learned counsel for the applicant seeks leave to withdraw the application. Learned counsel for the applicant, however, requests that the trial be made time-bound, as there is no progress in the case, since April 2018, though the trial of the applicant was expedited by this Court vide order dated 24th April 2018.

3 Vide order dated 24th April 2018, whilst rejecting the applicant's first bail application on merits the trial of the applicant was expedited having regard to the age of the victim girl i.e. 4 years. As there was no progress in the trial, a report was called for from the learned Sessions Judge vide order dated 7th April 2021. Accordingly, the learned Sessions Judge has submitted his report dated 21st April 2021.

4 Perused the report. It cannot be lost sight of that the victim girl was aged 4 years and with the passage of time, she may not be able to recollect the incident of sexual assault and hence, the trial of the applicant was expedited, having regard to the same. Despite the same, the learned Judge has not proceeded to take up the applicant's trial. The learned Judge ought to have at least ensured that the victim girl's evidence was recorded expeditiously, for the reasons noted above. The applicant is in custody since February 2016.

5 Considering the aforesaid, the trial of the applicant is expedited. The learned Judge to conclude the case as expeditiously as possible and in any event, within 6 months from the date of receipt of this order.

6 All parties assure to cooperate in the expeditious disposal of the trial. Learned A.P.P also assures that the applicant will be produced physically or through video-conferencing, as may be directed by the trial Court. Learned counsel for the applicant also assures that they will not seek adjournment and will cooperate in the expeditious disposal of the applicant's trial.

7 The application is dismissed as withdrawn in the aforesaid terms.

REVATI MOHITE DERE, J.