

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2764 OF 2019**

Santosh Jagdeo Saroj .. Applicant

Vs.

The State of Maharashtra & Anr. .. Respondents

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Mr. Ghanasham Jadhav for the Applicant.

Mr. S.R. Agarkar, A.P.P. for the State.

Ms. Pooja Joshi for respondent No.2.

Mr. G.S. Bodake, API attached to Ambarnath Police Station is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 01ST APRIL, 2021.

P.C:-

1. On expressing my disinclination to entertain the Application seeking bail, learned counsel for the Applicant seeks permission to withdraw the Application.

2. The Application is permitted to be withdrawn and is disposed of.

3. Learned counsel for the Applicant has drawn my attention to the fact that the Applicant has been charged under Sections 366, 376(2)(i) of the IPC read with relevant Sections of the POCSO Act and he is incarcerated since 05/01/2018. It is informed that the charge-sheet has been filed one and half years back and the trial has not proceeded for the reasons, *inter alia*, non-presence of the victim girl before the trial court.

4. Today, the victim and her father, who is the complainant, are present in the court. They have been represented by Ms. Joshi, advocate, who was appointed to assist this court on behalf of the complainant in view of the amendment contemplating opportunity of hearing to the complainant while the bail application is decided. Learned counsel has made the victim girl and the father to understand the importance of the appearance in the trial court on the given dates and they assured that they would remain present in the trial court on the dates of . Once the attendance is marked by the victim girl, it is expected that the Special Court would expeditiously proceed with the trial, without any unnecessary adjournments and make a serious endeavour to conclude the same at the earliest.

5. At this stage, I record my appreciation for Ms. Pooja Joshi,

learned counsel, who has been appointed to act as *amicus curiae* and assist the court, who accordingly, sought instructions from the complainant and the victim girl and has effectively assisted the court. The High Court Legal Services Committee, Mumbai, is directed to pay necessary fees, as per rules to Ms. Joshi.

6. The victim girl, who was aged 15 years at the time when the incident took place, has now attained majority. But, on account of the incident, she had left her education mid-way in 9th Standard. It is informed that for her livelihood, she is undertaking some odd jobs. It is necessary for the State to admit the victim girl for some rehabilitation programme with the assistance of some NGO, who would train her in some skills so that she can stand on her own feet and particularly, when once upon a time she was engaged in the avocation of tailoring along with her other family members. Learned A.P.P. is, therefore, requested to communicate this order to the Joint Secretary of the Social Justice and Special Assistance Department, Government of Maharashtra and endeavour should be made to engage the girl with some NGO.

7. For the limited purpose of compliance of this part of the order, list the matter on 04/05/2021.

SMT. BHARATI DANGRE, J.