

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

CRIMINAL BAIL APPLICATION NO. 3551 OF 2019

Chaturbhuj Rajvanshi Mahto Applicant
Versus
The State of Maharashtra Respondent

Mr. Feroz Ahmed Ansari, (Appointed Advocate) for Applicant.
Mrs. G. P. Mulekar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th NOVEMBER, 2021

P.C. :

1. This is an application for bail through Jail. Mr. Feroz Ansari is appointed to espouse the case of the applicant. The Applicant was arrested on 30/10/2016 on the allegations of commission of offence punishable under section 376(2)(1) of the I.P.C. and under sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act (for short 'POCSO').

2. I have heard Mr. Feroz Ansari, learned counsel for the applicant and Mrs. Mulekar, learned APP for the State.

3. The case of the prosecution is that, on 30/10/2016 at about 11.00p.m. parents of the victim girl went in the locality to bring her back as she had gone out to see Diwali fireworks. The

parents saw that the victim was crying. She was brought home. She pointed towards her private parts. She told them that she was having pain. On examination, victim girl's mother found bleeding injury there. She asked further questions to the victim. At that time the victim narrated about the rape committed by the applicant. The victim was only 4 years 6 months of age. The parents confronted the applicant. He was apprehended with the help of neighbours. On this basis the F.I.R. was registered on 31/10/2016 in the midnight at about 1:05a.m. The applicant was handed over in the custody of police. The investigation was carried out and the charge-sheet was filed.

4. Learned APP produced papers of the charge-sheet before the Court. I have perused the charge-sheet. It contains statement of the victim recorded by police on 05/11/2016 in presence of a lady police officer and in presence of Member of Mahila Dakshata Samiti. Another statement of the victim under section 164 of the Cr.p.c. was recorded on 24/11/2016. Both these statements are consistent and point to the involvement of the present applicant in the crime. The Medical certificate regarding

injury of the victim also supports her case.

5. Learned counsel for the applicant could not really make submissions in his favour in the light of glaring circumstances. However, he submitted that the applicant is in custody for five years without trial and, therefore, trial needs to be expedited.

6. I have considered these submissions. Since the offence is serious and there is sufficient material against the applicant, I am not inclined to grant bail to the applicant. However, considering that the applicant is in custody for more than five years, the trial needs to be expedited. The trial court can be requested to conclude the trial in the time bound manner.

7. Hence, the following order :

ORDER

- (i) The Application is rejected.
- (ii) The trial court is requested to take up the trial as early as possible and conclude it as far as possible before 30/06/2022.
- (iii) With this direction, the application is disposed of.

(SARANG V. KOTWAL, J.)