

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 581 of 2021

(Amol Maruti Gadhwane ..vs.. The State of Maharashtra through P.S.O., P.S. Wadner, Wardha)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mir Nagman Ali, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 14-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The accusation which the applicant is facing is of penetrative sexual assault on child aged 8 years.

3. The applicant is arrested in connection with Crime 221/2019 registered with Police Station, Wadner for the offences punishable under Sections 376(2)(n), 376-AB, 506 of the Indian Penal Code read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

4. The earlier bail application i.e. Criminal Application (BA) 208/2020 was heard by this Court (Coram : Avinash G. Gharote, J.). The learned Judge has noted that after arguing for some time, when the Court was not inclined to grant bail, the learned counsel for the applicant sought leave to withdraw the application.

5. I therefore, called upon the learned counsel Mr. Mir Nagman Ali to point out if, there is any change in circumstances, not cosmetic in nature, but such change as would warrant revisiting the entitlement to bail. In response, Mr. Mir Nagman Ali submits that there is delay in conducting the trial and the passage of one year from the date of withdrawal of the earlier application is good enough ground for this Court to have a second look.

6. Considering the situation due to pandemic, the trial Court cannot be faulted. It is informed by Mr. Mir Nagman Ali that the charge is framed on 15-6-2021. In this view of the matter, it would be appropriate to direct the trial Court to commence the trial and conclude the same expeditiously.

7. The trial Court is requested to commence the trial and conclude the same expeditiously.

8. If there is no significant progress in the next four months, the applicant shall be entitled to renew the request for bail.

9. The application is disposed of in aforesaid terms.

JUDGE

wasnik