

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

CRIMINAL APPEAL 264 OF 2021

(Shri Sheshrao s/o. Shankar Shinde..vs.. State, thr SDPO, PS Maregaon, Dist. Yavatmal)

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

Court's or Judge's orders.

Mr. S.M. Lodha, counsel for appellant.
Mr. M.K. Pathan, APP for respondent /State.

CORAM: ROHIT B. DEO, J.
DATE:29.10.2021.

The appellant is arraigned as accused in Crime 78/2017, registered with Police Station Maregaon, District Yavatmal, for offences punishable under sections 376(2)(i), 376(2)(j) of the Indian Penal Code ("IPC"), section 6 of Protection of Children From Sexual Offences Act ("POCSO Act"), and sections 3(i), 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ("Atrocities Act").

2. The appellant is in judicial custody since 12.3.2017.

3. The investigation is complete and the chargesheet is filed. As a fact, the trial has commenced and as

many as five witnesses are examined.

4. The earlier application seeking bail is rejected on merits.

5. However, I am inclined to grant bail for reasons briefly spelt out hereinafter.

6. It is admitted position that presently whereabouts of the victim and her uncle, who has lodged the report, are not known and efforts of the prosecution to summon them for rendering evidence have not borne fruit.

7. In my considered view, the detention cannot be open ended. The mandate of the POCSO Act is an expeditious trial. Having said that, the appellant is not responsible for the delay in trial. He has already suffered detention of more than four years and seven months.

8. The appellant is entitled to bail.

9. The appeal is allowed.

10. The appellant be released on bail in connection with Crime 78/2017, registered with Police Station Maregaon, District Yavatmal, for offences punishable under sections 376(2)(i), 376(2)(j) of the Indian Penal Code, section 6 of Protection of Children From Sexual Offences Act, and sections 3(i), 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

11. The appellant shall scrupulously attend the dates of hearing. Even a single default, unless condoned by the trial Judge, shall entail in cancellation of bail.

12. The appellant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

13. The appellant shall not leave the country without the permission of the trial Court.

Judge