

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (APPLN) NO. 04 OF 2021

(Milind Gautam Meshram vs. State of Maharashtra and another)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A. D. Tote, Advocate for applicant.
Mr. S. D. Sirpurkar, APP for respondent No.1.
Mr. S. D. Tatake Advocate for respondent No.2.

CORAM : MANISH PITALE J.

DATE : 11/08/2021

This is an application seeking cancellation of bail granted to respondent No.2. It is contended that while allowing the bail application of respondent No.2, the Sessions Court erroneously relied upon the judgment in the case of **Aniruddha Radheshyam Yadav vs. The State of Maharashtra, 2020 ALL MR (Cri) 1351**, because the facts of the said case have no similarity with the present case. It is contended that in the reported judgment, there was an alleged relationship between the victim i.e. girl of about 14 years of age and the 25 years old accused, while in the present case perusal of the report leading to registration of FIR would show that there was no

such relationship between the victim and the respondent No.2. The nature of allegations is completely different. The offences are extremely serious pertaining to rape and sexual assault on the minor victim in the present case who was about 14 years old at the time of the incident and serious offences under the provisions of the Protection of Children from Sexual Offences Act.

2. The learned APP submitted that investigation was completed and charge-sheet was filed in the present matter. The learned counsel appearing for respondent No.2 opposed the present application, submitting that the respondent No.2 has abided by the specific conditions imposed by the Sessions Court, while granting bail. It is further submitted that the Sessions Court took into consideration the material on record, including delay in registration of FIR while granting bail.

3. This Court has perused the impugned order, the learned counsel for the applicant is justified in contending to the extent that reliance placed on the judgment in the case of **Aniruddha Yadav vs. State of Maharashtra** (supra) by the Sessions Court was misplaced. In the present case, a perusal of the report does show that the facts can be said to be

distinguishable from the case in the reported judgment.

4. Nonetheless, the parameters for considering an application for cancellation on bail need to be taken into consideration while appreciating the contentions raised on behalf of the rival parties. No doubt the offences registered against the respondent No.2 are serious in nature. But, there is no allegation that the respondent No.2 has violated the specific condition imposed in the order granting bail. The contention appears to be that since the offences are very serious, the Sessions Court ought not to have granted bail.

5. In the present case a perusal of the FIR does show that while the incident is said to have occurred between 05/01/2020 and 11/01/2020, the FIR has been registered on 10/09/2020. The statements of witnesses have been recorded and charge-sheet has been filed on 23/01/2020 itself. This Court is informed that the prosecution intends to examine 18 witnesses in support of its case.

6. Considering the aforesaid material, this Court is of the opinion that no case is made out for cancellation of bail, but appropriate directions can be

given to the Trial Court to proceed expeditiously in the matter.

7. In view of the above, the application is dismissed. At the same time Trial Court is directed to conduct the trial expeditiously, considering that only 18 witnesses are intended to be examined in the present case. The Trial Court shall make an endeavour to complete the proceedings and render judgment within a period of **six months** from today.

8. Application is disposed of.

JUDGE