

PMB

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

BAIL APPLICATION NO.136 OF 2021

ABRAHAM @ ROMI RAJRATAN ROMI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Devidas Jadhav i/b. Mr. Dhananjay Kendre for applicant.

Ms. Janhavi Karnik for respondent no.2.

Mr. S. V. Gavand, APP for State.

Mr. Bhalerao, API, Ambernath Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 28, 2022.

P.C. :

- 1.** Heard learned counsel for the parties.
- 2.** This is an application for bail by the applicant in connection with C.R. No.I-216 of 2018 registered with Ambernath Police Station, under Sections 363, 376(3) of the Indian Penal Code, 1860 and Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012.
- 3.** My attention is invited to the order dated 18/10/2022 passed by this Court. The order reads thus :-

"1. The victim girl as well as the complainant is present in the Court and in presence of the respective counsel and the learned APP, I have heard them in the Chambers.

Though the girl desires to marry the applicant, the father strongly oppose and I prima facie found justification. Similarly, he also expressed an apprehension about the threat to his life on the applicant being released on bail.

2. The learned APP state that the trial is in progress and tomorrow is the date for recording of evidence of the complainant.

3. The Special (POCSO) Court is requested to record the evidence of the complainant tomorrow. Within a period of one month, it shall also record the evidence of the victim girl.

The prayer for being released on bail shall be considered after this event.

4. List on 28/11/2022."

4. I am informed that the evidence of the complainant as well as the victim has already recorded and they have been cross-examined. Three or four more witnesses are to be examined during the course of the trial. The trial is proceeding. On instructions, learned APP submits that the trial is likely to conclude in a month or so.

5. In this view of the matter, having regard to the nature of the allegations and the observations already made by this Court on 18/10/2022, I am not inclined to entertain the

present application at this stage.

6. The trial Court is requested to decide the trial expeditiously and preferably within a period of eight weeks from today.

7. Liberty to the applicant to apply for bail in case the trial is not concluded within such time.

8. I express my gratitude for the able assistance rendered by the advocate representing the complainant.

9. Bail Application is disposed of.

(M. S. KARNIK, J.)