

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 1847 OF 2022**

Ganesh Lingnath Dalvi ...Applicant  
Versus  
The State of Maharashtra & Anr. ... Respondents

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Mr. Sumant Deshpande, Advocate for the Applicant.  
Mr. S.R. Agarkar, APP for the Respondent – State.  
Mr. Lahu R. Rathod, PSI, Chitalsar Police Station Present in Person.

**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 22<sup>nd</sup> JULY, 2022.**

**PER COURT:**

1. This is second application for bail. The previous application was rejected by order dated 2<sup>nd</sup> February, 2021.
2. Learned counsel for the Applicant submitted that the Applicant is in custody from 10<sup>th</sup> November, 2019. There is no progress in the trial. The Applicant had preferred application through jail requesting trial Court to expedite the trial. The said application has been disposed of by order dated 9<sup>th</sup> September, 2021. In the said order it is observed that, matter can be fixed for expeditious hearing without giving priority. The order also refers to the pendency of old matters before the said Court.
3. The applicant moved an application for bail before the Special Court which has been rejected. It is urged that the direction be given to the trial Court for disposing of the case by

giving priority with time bound programme.

4. Learned APP submits on instructions that the charge has been framed. It is not possible for trial Court to proceed with trial on priority basis.

4. The case relates to the offence under Section 376(2)(i) of Indian Penal Code and the provisions of Protection of Children from Sexual Offence Act, 2012. The victim was aged around five years at the time of incident. The trial Court has observed that the case would be taken up expeditiously but priority cannot be given to this case. The trial Court also taken into consideration the fact that the current case pertains to year 2020 and there are other old matters of under trial prisoner pending before the said Court for hearing.

5. Considering the fact that charge has been framed, it is expected that the trial would proceed expeditiously. It is not possible to direct the trial Court to conclude trial within time frame.

6. Application is disposed of.

**(PRAKASH D. NAIK, J.)**