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

CRIMINAL BAIL APPLICATION NO. 1540 OF 2020

Faizan Sirtaj Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Arbaz Pathan i/b Mr. Waaris Pathan, for the Applicant.

Ms. Veera Shinde, A.P.P for the Respondent – State.

PSI – D. V. Chavan, Naupada Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th JANUARY 2022

(THROUGH VIDEO CONFERENCING)

P.C. :

1. This is the second bail application preferred by the applicant. The first bail application of the applicant was dismissed as withdrawn by this Court (Coram: Revati Mohite Dere, J.) vide order dated 14th June 2019, by passing the following order :-

“After arguing for some time, when this Court was not inclined to grant bail to the Applicant, learned counsel for the Applicant seeks leave to withdraw this Application. The Application is, accordingly, dismissed as withdrawn.

2. *Considering the age of the victim boy i. e. five years, the learned Special Judge to conclude the case as expeditiously as*

possible and in any event within a period of nine months from the date of receipt of this order.”

2. Learned Counsel for the applicant submits that despite this Court expediting the trial, the trial did not conclude within nine months and hence the applicant filed the aforesaid application. He submits that even despite the order dated 12th October 2021 passed in the present application, the trial has not concluded. He submits that the applicant is in custody since 2018 and that the applicant is ready to abide by all the conditions that may be imposed by this Court.

3. Learned APP opposes the application. She submits that due to Covid, the trial could not proceed as directed, however, after the order dated 12th October 2021 was passed, 7 witnesses were examined and that only 2 witnesses are left to be examined i.e. the Doctor and the Investigating Officer. She submits on instructions that the doctor and the concerned investigating officer will remain present on the dates given by the trial Court.

4. Perused the papers. It appears that the victim boy has been examined. The trial of the applicant was directed to be concluded within nine months from the date of receipt of the order dated 14th June 2019 passed by this Court in the first bail application preferred by the applicant being Criminal Bail Application No.3079 of 2018. It appears that despite the said order, there was no substantial progress in the case, due to Covid and unfortunately neither any steps were taken by the learned Judge prior to Covid, to conclude the trial expeditiously. When the order dated 12th October 2021 was passed in the aforesaid bail application, only 2 witnesses had been examined and 6 more witnesses were left to be examined. Hence, vide order dated 12th October 2021, the learned Judge was directed to expeditiously conclude the trial by examining the balance 6 witnesses preferably on day-to-day basis on or before 30th December 2021. It is informed that 2 witnesses are left to be examined I.e the doctor and the investigating officer. It is informed that on the last date since the learned Judge was on leave, the matter could not be taken up and that the matter is posted now on 18th January 2022.

5. Considering the aforesaid and having perused the merits of the case and the allegations as against the applicant, this is not a fit case to enlarge the applicant on bail.

6. Hence, the application for bail is rejected and disposed of as such. However, the learned Judge to conclude the case as expeditiously as possible and in any event within 2 months from the date of receipt of this order.

7. Learned APP states that the aforesaid order passed today will be tendered by the concerned Investigating Officer before the learned Judge, on the next date i.e 18th January 2022, for necessary compliance. Statement accepted.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.