

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3198 OF 2021

Dipak Kalicharan Kanojiya .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mrs.Anjali Patil for the applicant.
Mrs.A.A. Tkalkar, APP for the State.
Ms.Swatantri Waghmare for respondent no.2 Legal Aid.
Mr.M.D. Nagure H.C. from Vishnunagar police station.

CORAM: BHARATI DANGRE, J.
DATED : 18th OCTOBER, 2022

P.C:-

1 On expressing my disinclination to entertain the application, the learned counsel Mrs.Patil seek permission to withdraw the same. Permission is granted.

Application is disposed off as withdrawn.

She would however, submit that since the applicant came to be arrested on 13/3/2021, and till date, even charge is not framed. She would submit that the accusations faced by the applicant are u/s.10 and 12 of the POCSO Act, they would invite a maximum penalty on conviction for a term which shall not be less than five years, but which may extend to 7 years.

2 Mrs.Patil pose a question as to how much time would the applicant be incarcerated to which definitely this Court has no answer, as her client is subjected to the trial by the Special Court. No doubt, the applicant has a right for speedy trial in the wake of the fact that the maximum punishment which may be imposed is of seven years.

3 Accepting that the applicant is convicted, it is expected for the Special Court to conclude the trial expeditiously. However, due to the pendency of large number of trials in the Special Court, though I do not find myself any justification for giving time-bound direction, the Special Court is requested to frame the charge within a period of one year and thereafter, expeditiously proceed with the trial.

4 At an appropriate stage, the applicant is at liberty to renew the request for being released on bail.

(SMT. BHARATI DANGRE, J.)