

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

CRIMINAL BAIL APPLICATION NO. 18 OF 2022

Saurabh Suresh Rane	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Prashant Jadhav i/by Ms. Shabana M. Ali Syed, Advocate for the Applicant.

Mr. Kartik Garg i/by Ms. Shruthi Hampanagoudar, Advocate for Respondent No.2.

Mr. Arfan Sait, APP for the Respondent – State.

Mr. Narayan Dalvi, P.S.I., Vileparle Police Station, Present.

CORAM : PRAKASH D. NAIK, J.

Date : 8th JULY, 2022.

PC.

1. This is an application for bail in C.R. No. 44 of 2018 registered with Vileparle Police Station, Mumbai for the offences under Sections 376, 376(i), 376(n), 377, 354, 354(D), 509, 506, 504, 34 of Indian Penal Code (for short 'IPC') r/w 4, 8, 12, 17 and 18 of Protection of Children and from Sexual Offences Act, 2012 (for short 'POCSO') and Sections 66(e) and 66(b) of the Information and Technology Act.

2. The first application was rejected by order dated 13th December, 2018. The second application was withdrawn since the Court was not inclined to grant bail vide order dated 1st August, 2019.

3. The case of the prosecution is as follow :

(a) The complainant had finished her 9th standard examination in May-2017 and there were holidays, she was playing with her friend outside her house at around 1:30 p.m.

(b) The accused Shreyas Dike told the victim to come to the house of the victim went there with her friend. Akshay and Shreyas were sitting there. They told friend of victim to go home.

(c) They showed porn video to victim from mobile phone of Akshay. Shreyas told Akshay to go out and keep watch and alert him if someone comes. Akshay closed the door and waited outside. Shreyas showed her porn vidoes. Victim was forced for oral sex and sexual intercourse forcibly. Grandmother of Shreyas came searching for him. Accused no.1 wore his clothes and told the victim to wear her clothes and go on mezanine floor.

(d) His grandmother came inside the house. Accused told her that they were playing. When the grandmother left, Akshay forcibly committed sexual intercourse. Victim went home.

(e) On the next day, applicant visited victims house at 7:30 p.m., and demanded sex with her. The applicant told the victim that Shreyas and Akshay has told him, what they have done with her.

Shreyas also told that Akshay has recorded video of the act, and shown to him. He has also forwarded it to others. The victim was told to come to house of Vaibhav. She was taken to house of Vaibhav applicant had forcibly physical relationship with victim. She was also subjected to unnatural sex. Thereafter, the applicant kept on harassing and threatening the victim. Thereafter, again victim was taken to house of her friend and subjected to sexual relationship under coercion. The victim was under trauma. She stopped going out. She did not inform her mother. Thereafter, the applicant again approached the victim and threatened her that all of them had recorded video of act done with her and if she do not allow them to maintain physical relationship the video recording would be shown to others. Thereafter, she was sexually assaulted by another accused Pravin under threats. The victim has referred to similar acts performed by Akshay and others. Threatening her by others. FIR was registered on 3rd February, 2018.

4. The first application was rejected by this Court on merits. Thereafter, second application was withdrawn since Court was not inclined to grant bail at the trial was expedited.

5. Learned Advocate for the Applicant submitted that the applicant is arrested on 3rd February, 2018. He is in custody for four years and five months. There is no progress in the trial. The prosecution has examined PW-1 on 14th January, 2022. There are 26 witnesses. The trial may not be over within short span of time. F.S.L. report does not support prosecution case. There is no medical evidence.

6. Learned APP submitted that the offences are of serious nature. The victim was repeated subjected to sexual assault. The previous applications were rejecting by this Court. The trial has commenced.

7. Learned Advocate for the Respondent No.2 submitted that the offence is serious. The Rojnama is of trial Court would indicate that the Accused had sought adjournment before the trial Court.

8. The prosecution has examined PW-1. Her examination-in-chief was recorded on 14th January, 2022, 8th February, 2022 & 3rd February, 2022.

9. Considering the fact that previous applications were rejected and role attributed to the applicant and nature of allegations, no case is made out for grant of bail. However, considering the fact that Applicant is in custody for more than four years, directions can be given to the trial Court to conclude the trial expeditiously.

10. Hence, I pass the following order:-

ORDER

- i. Bail Application No.18 of 2022 is rejected and stands disposed of.
- ii. The trial Court shall make an endeavour to conclude the trial expeditiously and as far as within a period of 9 months from today.
- iii. The registry shall communicate this order to the trial Court immediately.
- iv. Both the sides shall co-operate with the trial Court to conclude the trial expeditiously.

(PRAKASH D. NAIK, J.)