

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (BA) No.131/2022

Radheshyam Chauhan V State of Maharashtra thr PSO PS Pathrot and another

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

 Court's or Judge's Orders

Shri A.P. Thakare, Advocate for applicant.
 Shri Thakare, APP for State.
 Mrs. S.K. Paunikar, Advocate for Victim.

CORAM : ANIL S. KILOR, J.
DATE : 07-06-2022

The applicant is seeking bail under Section 439 of the Code of Criminal procedure in Crime No.281/2020 registered with Police Station Pathrot, District Amravati (Gramin) for the offences punishable under Sections 376(2)(F), 376(2)(L), 376-D, 506 of the Indian Penal Code and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act (POCSO Act) read with Section 92(d) of the Right of Person with Disability Act, 2016.

2. The learned Counsel for the applicant submits that the applicant is in jail since about two years. It is submitted that there was love affair between the applicant and the victim. It is further submitted that, the uncle of the victim committed the alleged offence. However, while lodging the report, the parents of the complainant pressurized her to state the name of the applicant and as such the name of the applicant was arraigned in the First Information Report (FIR). It is submitted that the

chargesheet has already been filed, but the charges are not yet framed. It is further submitted that there is no compliance of Section 35 of the POCSO Act, which mandates that the trial should be concluded within one year. He, therefore, prays that the applicant may be released on bail.

3. On the other hand, the learned APP strongly opposed the present application and submits that the victim is disabled girl and she is blind. It is submitted that she was minor on the date of incident and injury report corroborates the prosecution story. He, therefore, prays that the present application needs to be rejected.

4. I have perused the chargesheet and the contents of the FIR. It can be seen from the chargesheet that the victim was minor on the date of the incident and she is blind. The medical report corroborates the case of the prosecution.

5. Moreover, at this stage, while considering the application for grant of bail, I refrain myself not to comment upon the defence raised by the applicant that there was love affair between the applicant and the victim and the alleged offence was committed by the uncle of the victim and at the time of lodging of report, the parents of the victim forced her to state the name of the applicant and therefore, the name of the applicant is arraigned in the FIR.

6. In that view of the matter, as there is sufficient incriminating material to show the involvement of the applicant in the crime and as the offences are very serious in nature, I am not inclined to allow the present application.

7. At this stage, the learned Counsel for the applicant submits that in view of Section 35 of the POCSO Act, the trial Court may be directed to expedite the trial.

8. Accordingly, I pass the following order :-

ORDER

i) Application is rejected.

ii) Looking to the fact that the applicant is in jail for more than two years and Section 35 of the POCSO Act mandates to complete the trial as far as possible within one year, I request the trial Court to expedite the trial and complete the same within eight months from today.

iii) If there is no progress in the trial in eight months, liberty is granted to the applicant to file fresh application before the trial Court.

(Anil S. Kilor, J.)