

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

948 BAIL APPLICATION NO.131 OF 2023

RAMJIVAN MOTILAL PASWAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Ms. Salunke Sheetal Vilas.
APP for Respondent-State : Mr. S. P. Sonpawale.
Advocate for Respondent No.2 : Mr. Z. H. Farooqui.
...

CORAM : S. G. MEHARE, J.

DATE : 01.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent No.2/victim.

2. The victim is the patient 'suffering from borderline intellectual disability with behavioural issue'. The trial has been commenced. The victim has also been examined and her cross-examination was also been commenced. However, it appears that the further cross-examination of the victim has been stalled due to her ill health.

3. Learned counsel for the applicant would submit that the trial has been deliberately protracted. The applicant is behind bar for more than two years. Hence, he may be granted bail.

4. Perused the papers. It is not in dispute that the victim is the patient of intellectual disability. However, a sincere attempt should be made to complete her evidence. The prosecution may take the assistance of the expert and may ask the treating doctor to remain present during her cross-examination. In such a way, the trial may be expedited. If in the event, that the victim cannot be examined, the prosecution may examine another witnesses. So, the trial may progress.

5. Trial Court is directed to adopt the practice discussed above and dispose of the case within four (4) months from the date of the receipt of this order.

6. With the above observations, the application stands disposed of.

(S. G. MEHARE, J.)

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vmk/-