



Diksha Rane

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

BAIL APPLICATION NO. 52/2023

SUNIL BALIRAM CHAVAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. V. K. Rathod for the applicant.

Ms. Veera Shinde, APP for the State. PSI S. B. Sonawane,
Varsova Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 20, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. Learned counsel for the applicant invited my attention
to the order dated 20/1/2020 in Bail Application No.3219 of
2019 whereby the earlier bail application was withdrawn.

The order reads thus:-

“1. After hearing the application for sometime, when
this Court was not inclined to grant the bail application,
learned counsel for the applicant, on instructions, sought
leave to withdraw the bail application. Leave granted. Bail
Application is disposed off as dismissed.”

3. Learned counsel for the applicant submitted that the applicant was arrested on 18/5/2019 and now is in custody for four years and four months and therefore, prayed for bail on the ground of long incarceration as trial has not commenced.

4. It is submitted that the matter is fixed for framing of charge before the trial Court. Considering the mandate of Section 35(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), the Special Judge of the trial Court is requested to record the deposition of the child witness expeditiously.

5. Considering that the applicant is in custody for four years and four months, the trial is expedited.

6. Learned counsel for the applicant, on instructions, seeks leave to withdraw this application.

7. The application is allowed to be withdrawn with liberty to file a fresh application after the evidence of the child witness is recorded or after six months, whichever is earlier.

8. The application is disposed of accordingly.

(M. S. KARNIK, J.)