

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3192 OF 2022

Nagesh Yellappa Shinde ...Applicant
vs.
The State of Maharashtra ...Respondent

ALONGWITH
INTERIM APPLICATION NO. 4146 OF 2022
IN
BAIL APPLICATION NO. 3192 OF 2022

Sangeeta Nagesh Shinde ...Applicant
vs.
The State of Maharashtra and Anr. ...Respondents

Adv. Govind Ghogare a/w Adv. Tejas Kunsarlikar - Advocate for the Applicants
Ms. Vaibhavi D. Pawar - Advocate for the Respondents-accused
Mr. S. R. Agarkar – APP for the Respondent-State
S. M. Jadhav – PSI – Kapurbavadi Police Station

CORAM : S. M. MODAK, J.

DATE : 23rd JUNE, 2023

P. C. :-

1. Heard learned Advocate for the Applicant, learned Advocate for the first informant and learned APP
2. The victim is the daughter of the present Applicant and also daughter of the first informant. Initially, an offence under

Sections 354 of the Indian Penal Code and Sections 4, 8 and 12 of the Prevention of Children from Sexual Offences Act was registered. Later on Sections 376 (2) (F)(N), 376-AB and Section 67(B) of Information Technology Act were added. It is very much true that the first informant who is wife of the present Applicant has filed an affidavit thereby giving no objection to the grant of the bail.

3. However considering the allegation, when I was not inclined to grant the bail, learned Advocate for the Applicant seeks liberty to withdraw this application with a request to expedite the trial. It is accepted. Application is disposed of as withdrawn.

4. The present Applicant is behind bar since 06/06/2022 and he has produced the certificates issued by the Department of the Radiology Civil Hospital, Thane. The Doctors have examined him about kidney problem. It is contended that there is kidney stone and immediate operation is required. It is stated that charge is not framed. Direction can be issued, hence following order is passed:-

- a) Let the jail authorities are directed to give all sort of treatment to the Applicant by taking him to necessary hospital.
- b) The Court who is seized of the matter is directed to pass all the directions about the

treatment to be given to the Applicant to the concerned authorities.

- c) Let the charge be framed within one month from today and let trial be completed within a period of one year thereafter. If the trial is not over within that period, he is at liberty to apply for bail before the concerned Court.
- d) After such application is filed, let it be decided on the basis of the non completing the trial within a fixed period.

[S. M. MODAK, J.]