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

**BAIL APPLICATION NO. 4165 OF 2021
(THROUGH JAIL)**

Acchino Nityanand Bar ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Pratik Rahade, for the Applicant.
Ms. P. N. Dabholkar, APP for the State.
PSI- Mr. C.D. Dalvi, Malad Police Station.

CORAM : M. S. KARNIK, J.

DATE : MARCH 3, 2023

P.C. :

1. My attention is invited to the order dated 03/08/2017 passed by the trial Court rejecting the bail application of the applicant. The applicant is in custody for 7 years and 1 month. The offence is punishable under sections 376(i)(j), 363, 307 of the Indian Penal Code and under sections 4, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The victim was 5 years old. The alleged offence is serious. No doubt, the applicant is in custody for 7 years and 1 month. The applicant is from Calcutta and has no

permanent residence in Mumbai. It is informed that the trial has commenced and 3 witnesses have already been examined. Around 6 to 7 witnesses are to be examined. Next date fixed for hearing is 09/03/2023. It is every likelihood that trial may conclude soon. In any case, the trial Court is requested to expedite the trial. The applicant is granted liberty to apply after 6 months if there is no substantial progress of the trial.

3. I am not inclined to release the applicant on bail at this juncture though the investigation is complete and the charge-sheet is filed, considering the gravity of the accusations and that the applicant has no permanent residence in Mumbai and the fact that the trial has commenced.

4. The bail application is rejected.

5. I appreciate the assistance rendered by Mr. Pratik Rahade, learned advocate, who was requested to appear on behalf of the applicant.

(M. S. KARNIK, J.)