

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

CRIMINAL APPLICATION (BA) NO. 313/2023

GAURAV S/O. SURESH THAWKAR
VS
THE STATE OF MAH. THR. PSO, PS TUMSAR, TAH.
TUMSAR AND DIST. BHANDARA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.R. Raut, counsel for the applicant.
Mr. M.J.Khan, APP for the non-applicant No.1.
Ms Seema P. Dhotre, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/07/2023.

1. Heard.
2. After going through the investigation papers, it reveals that the victim girl is only 12 years of age, subjected to sexual assault. The medical reports support the case of the prosecution. The circumstances on record further show that the sexual assault was committed after locking the spot of the incident i.e. house from the outside. There is prima-facie incriminating material against the present applicant.
3. Considering the age of the victim, this Court has shown a disinclination to grant bail.

4. On 22/06/2023, it is noted that the trial is not commenced as Muddemal Property is not received along with the Chemical Analyzers report. The learned Trial Court shall take necessary steps to call Muddemal Property and the Chemical Analyzer and shall proceed with the trial.

5. Learned counsel for the applicant seeks permission to withdraw the present application with liberty to file fresh application, if there is no commencement of the trial within six months.

6. However, considering the pendency of the cases under the provisions of the Protection of Children from of Sexual Offences Act, this Court is not inclined to impose any time limit on the trial. However, the applicant is at liberty to move the fresh application, if there is no progress in the commencement of the trial within one year.

Criminal application is **disposed of** as withdrawn.

JUDGE