



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 BAIL APPLICATION NO. 295 OF 2024

Gopal Laxman Reel

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Vijay S. Wakale

APP for Respondent No.1: Mr. Satish A. Gaikwad

Advocate for Respondent No.2 : Mr. K.A. Sharma

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 25th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 856 of 2021 registered with Newasa police station, District Ahmednagar for the offences punishable under Sections 376(2), 376(D)(I) and 506 of the I.P.C. and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012. His application with similar prayer below Exh.40 in Special Case No.1 of 2022 came to be rejected by the learned Special Judge and Additional Sessions Judge, Newasa, vide order dated 20.11.2023.

2. The applicant was earlier released on bail. However, he jumped the conditions of bail and thus trial could not proceed further. It is rightly observed by the trial court in para 5 of the order dated 20.11.2023, while refusing bail to the applicant.

3. Learned advocate for the applicant submitted that the applicant will remain present for trial and he will not remain absent. On some stringent conditions, the applicant be released on bail.

4. Learned A.P.P. for the respondent-State has strongly opposed the application by pointing out the observations made by the trial court in para 5 of the order dated 20.11.2023 thereby refusing bail to the applicant. He submits that at the most, the trial can be expedited.

5. Considering the peculiar set of facts of this case and particularly the conduct of the applicant, the application deserves to be rejected. However, it would be proper to issue directions to the trial court to conclude the trial as expeditiously as possible and preferably within a period of three months from today.

6. The application is therefore, rejected.

7. In view of the above, the speedy trial is right of the accused. Therefore, the prayer of the applicant for expeditious trial deserves to be allowed with the following directions:-

- I) The Trial Court is directed to conduct the trial as expeditiously as possible and in any case within three months from today. Needless to mention that it is a sessions trial and word "sessions" means once it is started it shall not be stopped till it is concluded.

- II) The Trial Court is further directed not to grant adjournments if it is prayed either on behalf of the prosecution or the defence unless there is extreme urgency or reasonable ground. If the accused are not produced, the Trial Court may call the jail authority and escort party and warn them by passing an order accordingly by giving one opportunity to them to produce the accused i.e. under trial prisoners continuously. If it is not followed then the Trial Court may proceed against them as per Chapter X of the Indian Penal Code for contempt of lawful authority etc.. If any accused who is on bail is not appearing for trial, then the Trial Court may proceed to cancel their bail. If the accused, advocates for accused or the public prosecutor are not cooperating the Court for conducting the trial as expeditiously as possible, the Trial Court may impose heavy costs on the concerned accused.
- III) The Trial Court is expected to conduct the trial on day to day basis or in any case at least twice or thrice in a week.
- IV) If the trial is not concluded within three months from today, the applicant is at liberty to file application for bail before the trial court.

8. Mr. K. A. Sharma, learned advocate is appointed to represent the cause of respondent No.2. He is entitled for the fees as per Rule and schedule of fees maintained by the High Court Legal Services Sub Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.)