



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1782 OF 2023

Suresh Sardar Chavan, Age 22 years,
Occu.Labour, R/o. Savali Tanda, Tq. and Dist. Dhule
At present R/o. Baduli, Tq. Palsana, Dist. Surat
(State Gujrat) .. Applicant

Versus

1. The State of Maharashtra
2. X.Y.Z. .. Respondents

Mr. Joydeep Chatterji, Advocate for Applicant;
Mrs. M. L. Sangit, APP for Respondent No.1;
Mr. Joslyn A. Menezes, Advocate for Respondent No.2

CORAM : S. G. MEHARE, J.

DATE : 19-01-2024

PER COURT :-

1. Heard learned counsel for the applicant, learned A.P.P. for respondent No.1 and learned counsel for respondent No.2.
2. The applicant was granted bail in C.R.No.437 of 2020 registered with Dhule Taluka Police Station, for the offences punishable under Sections 376(3), 305, 354D of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012. However, he had violated bail conditions. Hence, his bail orders were cancelled. He sought time to impugn that order before the Honourable Supreme Court. However, he did not challenge it and lastly surrendered around a month late after the date which was given to him.

3. Learned counsel for the applicant submits that the applicant has learnt a lesson. There is no material progress in the trial. He is not responsible for the delay in trial. He has produced a copy of the roznama / order sheet of the trial Court and submitted that these circumstances may be considered for granting him bail.

4. The learned A.P.P. and the learned counsel for respondent No.2 submit that there was no deliberate delay in the trial. The Court, before which the trial is pending, was busy in time bound matters and other works. He submits that the applicant has already committed wrong. The complainant and the witnesses may apprehend if he is granted bail.

5. Perused the roznama / ordersheet. It reveals that neither the Court nor the prosecution deliberately were protracting the trial. The applicant seems to be interested in getting bail one way or the other. The notice under Section 294 of the Code of Criminal Procedure has also not been filed as contended by the learned counsel for the applicant. However, he moved application for bail on 05.09.2023 and it was decided on 18.09.2023.

6. Considering the over all the facts of the case, it seems that the matter has not progressed. Expeditious trial is a right of the accused. In the circumstances, instead of granting bail, the learned Sessions Judge, Dhule is directed to verify the facts whether the Court, before the trial which is pending, is busy and

unable to his case and if he finds the Court is worth busy, transfer the case to other Court, which may pay the attention. The learned Sessions Judge do the above exercise within a week from receipt of this order.

7. For the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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