

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

Criminal Application No.199 of 2022

Archana Sarjerao Aagle

Age – 33 years

Post Kerle, Padwalwadi Phata,

Tal – Karveer,

Kolhapur – 416 229

... Applicant

v/s.

1. Rohit Anil Mohite

Age- 25 years, Occ- Private Service,

R/o. Hirawade Kalsa,

Tal- Karveer,

Kolhapur – 416 229

2. The State of Maharashtra

(At the instance of Karveer Police Station

Kolhapur, vide its C.R.No.394 of 2021) ... Respondent

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Mr Karthik Rajashekhar, a/w Mr Arif Sayed, for the Applicant.

Mr Jayant Bardeskar, for the Respondent No.1.

Mr Yogesh Y Dabake, APP, for Respondent No.2/State.

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Coram : R.N. Laddha, J.

Date : 27 August 2024

P.C. :

Heard Mr Karthik Rajashekhar appearing on behalf of the Applicant; Mr Yogesh Y Dabake, the learned Additional Public Prosecutor, representing the Respondent No.2/State; and Mr Jayant Bardeskar, for the first respondent.

2. By an order dated 16 September 2021, the first respondent was granted bail in CR No.394 of 2021, registered with Karveer Police Station, Kolhapur, for the offences punishable under Sections 363, 354, 354-D, 376, 376(2)(I)(N) of the Indian Penal Code and Sections 4, 5, 8, and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant, also the first informant, has sought the cancellation of bail for respondent No.1 citing the reasons that the Sessions Court failed to consider the prosecution's argument and that the first respondent/accused is not cooperating with the trial Court to facilitate expeditious disposal of the case.

4. According to established legal principles, compelling and substantial circumstances are required for an order to cancel bail that has already been granted.

5. Upon reviewing the records, it is evident that the learned Sessions Judge granted bail to the first respondent in 2021, following the filing of the charge sheet. The applicant's concern that the first respondent is not regularly attending the trial Court and is hindering the expeditious disposal of the case, can be addressed by directing the learned trial Court to accelerate the hearing of the trial. Given that the investigation is concluded and the charge sheet has been filed, there is

no justification for entertaining this application for cancellation of bail.
Accordingly, the application stands rejected.

[R.N. Laddha, J.]