

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.864 OF 2024

Kamalkishor Babulal Arya	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Naseem Khan, Appointed, for the Applicant.
Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 14th MARCH 2024

P. C.:

1. The Applicant has preferred this Criminal Bail Application through jail by letter dated 1st January 2024. The same is forwarded to this Court by letter of Superintendent, Thane Central Prison dated 8th February 2024 and the same was received by the Registry of this Court on 12th February 2024.

2. This matter was placed before this Court on 4th March 2024 and this Court appointed Ms. Naseem Khan, learned Advocate to represent the Applicant. Thereafter, the matter has appeared on board on 7th March 2024, 11th March 2024, and 13th March 2024, as the learned APP took time to produce the Charge-sheet.

3. The Applicant was arrested in C.R. No.782 of 2019 registered with Nalasopara Police Station on 30th June 2019. It is the contention of the Applicant that he is 74 years old and he is in jail for about 4 years and 6 months and that the trial has not yet commenced.

4. With the assistance of Ms. Naseem Khan, learned Counsel appointed to represent the Applicant and Mr. Mangaonkar, learned APP, I have perused the Charge-sheet. The Applicant was arrested for commission of serious offence punishable under Section 376-AB of the *Indian Penal Code, 1860* and Sections 4, 6 and 8 of the *Protection of Children from Sexual Offences Act, 2012*. At the relevant time, age of the victim was 9 years. There are eye-witnesses to the incident. Although the Applicant is a senior citizen aged 74 years, in the facts and circumstances of this case, this is not a fit case to grant bail to the Applicant.

5. As the Applicant is incarcerated since 30th June 2019, the Respondent No.1-State of Maharashtra is directed to take steps to conclude the trial expeditiously and in any case, within a period of one year from today.

6. Learned Trial Court is also requested to take effective steps to conclude the trial expeditiously within a period of one year from today.

7. Accordingly, the Bail Application stands rejected.

8. This Court places on record its appreciation for the assistance rendered by Ms. Naseem Khan, learned Advocate appointed to represent the Applicant. Her professional charges be paid as per rules and her name be included in the panel maintained by High Court Legal Services Committee, Mumbai.

[MADHAV J. JAMDAR, J.]