

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

BAIL APPLICATION NO. 1098 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.03.16
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Satish Kamalshankar Yadav ...Applicant

Versus

State of Maharashtra and anr. ...Respondents

Mr. Hrishikesh Mundargi, a/w Swarali Joglekar, for the
Applicant.

Ms. Ranjana Humane, APP for the State/Respondent No.1.

Mr. Neeraj Yadav, for Respondent No.2.

CORAM: N. J. JAMADAR, J.

DATED: 14th MARCH, 2024

ORDER:-

1. Heard the learned Counsel for the applicant, the learned APP for the State/respondent No.1 and the learned Counsel, who has been appointed to espouse the cause of respondent No.2 – victim.

2. When the Court expressed its disinclination to entertain the prayer for bail, the learned Counsel for the applicant sought leave to withdraw the application.

3. The learned Counsel for the applicant, however, submits that during the course of hearing of this application, efforts were made to serve respondent No.2. However, it is reported that the child and mother of the child are not traceable. It is

unlikely that the trial can be concluded within a reasonable period.

4. The investigating officer has submitted a report on 22nd February, 2024. It indicates that the child and her mother could not be traced at Meera Road and also at their native place. In the circumstances, the apprehension on the part of the applicant that the trial may not be concluded for want of examination of the victim and her mother appears justifiable. The applicant has been in custody since 4th November, 2021.

5. In the circumstances, the prayer for expedite conclusion of trial appears reasonable and, therefore, I am inclined to request the learned Special Judge, seized with Special (P) Case No.7 of 2022 arising out of CR No.761 of 2021 registered with Kashimira Police Station, to conclude the trial as expeditiously as possible and, preferably, within a period of nine months from the date of communication of this order.

6. The investigating officer shall make efforts to trace the victim and her mother, so as to facilitate their examination in the trial.

7. In the event, trial is not concluded within the said period of nine months, the applicant shall have liberty to revive the prayer for bail before this Court.

8. Application stands disposed.

[N. J. JAMADAR, J.]