



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1826 OF 2024**

Moinuddin Abubakar Shaikh

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Ravi Dwivedi, for Applicant.

Mr. Ranjana D. Humane, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 25 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.

2. This is the second bail application. The first bail application was dismissed as withdrawn by an order dated 9 March 2023, when the Court had observed as under :

“1.After hearing the matter at length and when this Court expressed disinclination to grant the relief, learned Counsel for the Applicant seeks leave to withdraw the application. Leave is granted.

2. The application is dismissed as withdrawn.”

3. Learned Counsel for the Applicant submits that though charge was framed in the month of April 2023, there has been no progress in the trial.

4. As the first application was withdrawn, after the matter was heard at length and the Court expressed its disinclination to grant the relief, there is no propriety in entertaining the application again on merits as there does not appear any

change in the circumstances.

5. Nonetheless, I have perused the allegations in the FIR and the statement of the victim. At the time of the alleged occurrence, the victim was 13 years of age. There are specific allegations of sexual assault against the applicant. FIR came to be lodged within hours of the alleged occurrence.

6. So far as the aspect of long incarceration, having regard to the age of the applicant and the victim, the learned Special Judge can be requested to expedite the trial.

7. Hence, the following order :

ORDER

(i) The application stands dismissed.

(ii) The learned Special Judge seized with Special Case No.211 of 2021 arising out of C.R.No.134 of 2021 is requested to make an endeavour to conclude the trial as expeditiously as possible and preferably within a period of one year from the date of communication of this order.

(N.J.JAMADAR, J.)