

Sayali Upasani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2556 OF 2023

Sachin Vitthal Balsingh

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Sumit S. Kate, Appointed through Legal Aid, for Applicant.

Ms. Supriya Kak, APP for State-Respondent No. 1.

CORAM:- N. J. JAMADAR, J.

DATED:- 19th MARCH, 2024

PC:-

- 1) This application is preferred through jail.
- 2) The applicant has been arraigned in Sessions Case No.367 of 2017 arising out of CR No. 238 of 2017, registered with Versova Police Station for the offences punishable under Sections 302, 363, 376 and 394 of the Indian Penal Code, 1860 and Sections 4, 8 and 12 of The Protection of Children from Sexual Offences Act (POCSO), 2012.
- 3) Mr. Kale, the learned Counsel appointed to espouse the cause of the applicant, invited the attention of the Court to an

order dated 9th March, 2022, whereby the Bail Application No. 2509 of 2021 came to be disposed as withdrawn.

4) However, having regard to the period of incarceration, this Court had directed that the trial be concluded as expeditiously as possible and preferably within one year from the date of the receipt of the said order.

5) The learned counsel for the applicant submits that the charge has been framed on 22nd December, 2019. However, there has been no progress in the trial.

6) The learned APP submits that only one witness has been examined. Indeed the offences for which the applicant has been arraigned are grave. However, the Court cannot lose sight of the fact that the applicant has been in custody since 17th July, 2017. This Court has already requested the trial Court to conclude the trial expeditiously. It appears that there has been no substantial progress in the trial.

7) In the circumstances, it would be expedient to request the learned Judge seized with Sessions Case No.367 of 2017 arising out of CR No. 238 of 2017, to conclude the trial in the said case as expeditiously as possible and preferably within a period of six months from the date of the communication of this order.

- 8) In the event, the trial is not completed within the said period, the applicant shall be at liberty to renew the prayer for bail.
- 9) The applicant shall co-operate for expeditious conclusion of the trial, and shall not seek any adjournment.
- 10) The Investigating Officer shall keep all the witnesses present before the learned Special Judge.
- 11) The Investigating Officer shall also personally appear on every scheduled date of the trial before the learned Special Judge to ensure that the trial is concluded expeditiously.
- 12) The application stands disposed.

[N. J. JAMADAR, J.]