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Uday S. Jagtap

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

CRIMINAL BAIL APPLICATION NO. 3669 OF 2022

Ramchandra Dagadu Kharat .. Applicant
Vs.
The State of Maharashtra & Anr. .. Respondents

.....

Mr. Sagar S. Tambe a/w Changdev Shingade for the applicant
Mr. A.A. Palkar, APP for the respondent – State
Ms. Dharini Nagda, appointed Advocate for respondent no.2
Mr. Sagar Kunjir, API, Karkamb Police Station, Solapur

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 21st FEBRUARY, 2024.

P.C.

1. Heard.
2. The applicant is being prosecuted by the Karkamb Police Station, Tal. Pandharpur, Dist. Solapur for the offences punishable under Sections 376, 376(2)(f), 504 and 506 of the Indian Penal Code and under Sections 4, 8 and 12 of the POCSO Act on the allegations that he had molested and exploited the victim resulting into pregnancy.
3. The Charge-sheet has already been filed.

4. Learned APP invites my attention to the Regional Science Forensic Laboratory Report *qua* the victim and the fetus. The DNA test conducted yielded positive result, in the sense, the victim and the applicant accused are concluded to be biological parents of bilateral fetal femur of the victim.

5. Apart from that Superintendent of Police, Solapur Rural, by his communication dated 20th February 2024 intimated that the victim's parent and the victim are being threatened by the applicant's parents namely Abasaheb Dagadu Kharat, his mother Bhagabai Dagadu Kharat and one Dagadu Shahu Kharat, which amounts to threatening the witnesses of the prosecution.

6. The report is taken on record and marked "X" for identification. In view of this fact, learned Counsel for the applicant seeks to withdraw the application.

7. The application is dismissed as withdrawn.

8. The trial Court is directed to frame a charge on or before 29th February 2024.

9. After framing the charge, the trial Court shall commence the trial and the same shall be concluded within six weeks thereafter keeping in mind the provisions of Section 309 of the Cr.PC. The trial Court shall not grant adjournments either to the prosecution or to the defence without any compelling reason. If necessary, the trial Court shall ensure that the witnesses are duly protected by issuing directions to the Superintendent of Police, Solapur.

10. Registry is directed to forthwith communicate this order to the concerned Court.

11. It is informed that the next date fixed by the Sessions Court is 2nd March 2024. The trial Court is directed to prepone the matter on 29th February 2024 and shall frame a charge on that day.

12. The application stands disposed of in the aforesaid terms.

(PRITHVIRAJ K. CHAVAN, J.)