

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3099 OF 2024**

Sagar Bharat Chavan

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Santosh Musale a/w Mr. Vikas Tiwari, for the Applicant.

Ms. R. V. Newton, APP, for the Respondent-State.

A.P.I. Balvant Patil, Khandeshwar Police Station, Navi Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 30 SEPTEMBER 2024

P.C.:

1. The present Applicant has earlier filed Criminal Bail Application No.2739 of 2023. Said Bail Application was extensively heard by this Court on 3rd April 2024. As this Court was not inclined to grant bail, Mr. Musale, learned Counsel for the Applicant sought time to take instructions, and therefore, the matter was adjourned to 4th April 2024. On 4th April 2024, Mr. Musale, learned Counsel for the Applicant, on instructions, sought withdrawal of the Bail Application. Accordingly, the Bail Application was allowed to be withdrawn and the Applicant was granted liberty to file a fresh Bail Application after a period of 1 year if there is no substantial progress in the trial. By said Order dated 4th April 2024, the learned Trial Court was requested to expedite the trial as the victim is only 9 years old.

2. The Applicant has earlier filed an Application bearing Exh.04

before the learned Trial Court in Special Case (POCSO) No.87 of 2023. The said Application was rejected by the learned Trial Court by Order dated 19th June 2023. Thereafter, as noted herein above, the Bail Application No.2739 of 2023 was allowed to be withdrawn by order dated 4th April 2024 with liberty to file a fresh Bail Application after a period of 1 year if there is no substantial progress in the trial.

3. It is significant to note that after the withdrawal of the Bail Application in this Court, immediately the Application bearing Exh.08 has been filed before the learned Trial Court in Special Case (POCSO) No.87 of 2023. The learned Trial Court has rejected the said Application on 6th May 2024. Thereafter, the present Bail Application has been filed on 2nd July 2024.

4. It is the contention of Mr. Musale, learned Counsel for the Applicant that he has instructions again to argue the Bail Application on merits.

5. It is required to be noted that this is a case where the victim is 9 years old. The incident in question took place in a school bus where the Applicant is the bus driver. The Applicant had sexually assaulted the victim. This is a very serious case. Section 35 of the *Protection of Children from Sexual Offences Act, 2012* provides that such type of cases should be disposed of expeditiously and the time limit is also provided.

- 6.** In view of this position, Ms. Newton, learned APP seeks time to take instructions.
- 7.** Stand over to **1st October 2024.**

[MADHAV J. JAMDAR, J.]