

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

CRIMINAL BAIL APPLICATION NO. 3771 OF 2024

Mr. Yuvraj Prakash Godase ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Shirish Gupte, Senior Advocate i/b Mr. Bhalchandra Mote and Mr. Suyash Nitin Khose, learned Advocate for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

Mr. Ghanasham Jadhav, learned Advocate for Respondent No. 2.

HC-07 Mr. B. B. Pawar attached to Velapur Police Station, Solapur Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JULY 2025.

P.C. :

1. Heard Mr. Shirish Gupte, learned Senior Advocate for the Applicant, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Ghanasham Jadhav, learned Advocate for Respondent No. 2.

2. On 20th June 2025, the following order was made by this Court :-

“1. Heard Mr. Shirish Gupte, Senior Advocate for the Applicant, Mr. T. G. Khan, learned A.P.P. and Mr. Ghanasham Jadhav, learned Advocate for Respondent No. 2.

2. The Hon’ble Division Bench of this Court on 10th January, 2023 had made the following order :-

“1. After hearing learned Senior Advocate for the Appellant at length, when this Court was not inclined to grant relief of bail, learned Senior Advocate, on instructions, seeks leave to

withdraw the present Appeal with liberty to file a fresh application for bail before the trial Court if, the trial arising out of Special (POCSO & Atro.) Case No. 93 of 2021 does not conclude within a period of one year from today.

2. It is submitted that, the Appellant is in Jail from 1st November 2021. Taking into consideration the fact that, the Appellant is in jail since 1st November 2021, we expect that, the mandate of the POCSO Act in conducting trial will be adhered to by the learned trial Court.

3. Appeal is dismissed in the aforesaid terms.”

3. Mr. Gupte, learned Senior Advocate for the Applicant states that there is no much progress in the matter before the trial Court, after the order dated 10th January 2023.

4. Mr. Khan, learned APP for State and Mr. Ghanasham Jadhav, learned Advocate for Respondent No. 2 state that the progress before the Trial Court was delayed for the reasons attributable to the Accused in the said crime. Mr. Khan, learned A.P.P. and Mr. Ghanasham Jadhav, learned Advocate for Respondent No. 2 state that the matter before the learned trial Court is now fixed on 24th June, 2025. Mr. Ghanasham Jadhav, learned Advocate for Respondent No. 2 on instructions from Respondent No. 2 states that the victim would be made available before the learned Trial Court on 24th June, 2025 for examination. Statement accepted.

5. Mr. Gupte, learned Senior Advocate for the Applicant states that the Advocate for the Applicant shall cross-examine the said witness (victim) on the said date.

6. Considering the observations made by the Hon'ble Division Bench on 10th January, 2023 in Criminal Appeal No. 754 of 2022, the learned Trial Court is requested to ensure the examination of the victim on the date fixed in the matter i.e.

on 24th June, 2025. In the event the examination of the victim is not completed on the 24th June, 2025, then the learned Trial Court to consider listing the matter at its earliest convenience so as to ensure completion of examination of the victim.

7. Parties to the proceedings shall cooperate for the early completion of examination and cross-examination of the witness (victim).

8. At the joint request of the parties, list this Application on 17th July, 2025.”

3. Today when the matter was called out, Mr. Shirish Gupte, learned Senior Advocate for the Applicant submits that the victim/prosecutrix has been examined. He submits that in view of the oral testimony of victim/prosecutrix, he has instructions from the Applicant not to press the present Bail Application and withdraw the same. He, however, makes a request that the trial in Special (POCSO) Case No. 93 of 2021 be directed to be concluded in a stipulated time, considering the Applicant is in jail from the year 2021. Leave to withdraw the present Bail Application is granted.

4. Mr. Tanveer Khan, learned A.P.P for the State/Respondent submits that the prosecution would be examining further 7 witnesses in the present crime. He on instructions from the Investigating Officer submits that said witnesses will be examined within a period of 2 months from today. He submits that the trial can be concluded within a period of 3 months from today.

5. Mr. Ghanshyam Jadhav, learned Advocate for Respondent No.

2 has no objection for disposal of the present Bail Application with a direction to the learned Trial Court for early disposal of the trial.

6. This Court by order dated 10th January 2023 had granted liberty to the Applicant to move a fresh Bail Application if the trial of Special (POCSO) Case No. 93 of 2021 is not concluded within a period of 1 year from 10th January 2023. As per the records and the statements made by the parties, the trial is not concluded even as on date. In such circumstances, considering the Applicant being incarcerated from the year 2021 and a request made by the Applicant today of withdrawal of the present Bail Application, this would be a fit case for directing the learned Additional Sessions Judge, Malshiras to conclude the trial and dispose of Special (POCSO) Case No. 93 of 2021 expeditiously and at any rate on or before 31st October 2025.

7. Parties to the present proceedings state that they will co-operate in the early disposal of Special (POCSO) Case No. 93 of 2021 and will not seek unnecessary adjournment.

8. Criminal Bail Application disposed of in the above terms.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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Date:
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