



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4270 OF 2025

Supriya Vasant Kothari
Age-50 Years, Occu. Advocate,
Office at 210, 2nd Floor,
Amit Court Building, Near District Court,
Shivajinagar, Pune 411 005

.....Petitioner

Vs.

1. State of Maharashtra
Bombay High Court, P.W.D.
Building Fort Mumbai-400001
2. Jash Binani / Dhoot
Age-19 Years, Occu. Student,
R/at-A 2004, Panchasheel Tower,
Grant Road, Kharadi, Pune 411 014
3. XYZ
Age-46 years,
(Respondent No.3 shall be served
through Senior PI of Chandan Nagar,
Police Station, Pune
in CR No. 604/2024)

.....Respondents

Mr. Priyal Sarda, for the Petitioner
Ms. M. S. Bane, AGP, for the Respondents

CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.

RESERVED ON : 16th JUNE 2025.

PRONOUNCED ON : 20th JUNE 2025.

JUDGMENT :- (Per Dr. Neela Gokhale, J.)

1. The Petitioner seeks to expunge the observations/findings/remarks made by the Additional Sessions Judge, Pune against her in the order dated 3rd January 2025 passed below Exhibit-9 and in paragraph nos. 26, 27, 33, 50, 51(6) in the order dated 4th January 2025 passed in Criminal Bail Application No. 6957 of 2024.

2. The case of the Petitioner is that she is an Advocate practicing in Pune Court and has 27 years of practice. She has also completed her Masters in Law from Bharti Vidyapeeth, Pune. She claims to be a counsellor on legal issues through Bhagini helpline and was a columnist in Marathi newspaper “Sakal” for the period of 2007 to 2010. According to her, she also conducts lectures in colleges and schools pertaining to gender sensitive issues.

3. According to the Petitioner, she represented the Original Complainant of CR. No. 604 of 2024 in the hearing of a Bail Application, contesting the prayer of Bail made by the Accused in the said C.R. The Bail Application was being heard by the Additional Sessions Judge, Pune. The Bail Application was posted for hearing before an In-charge Court on 2nd January 2025, since the Regular Court was on leave.

4. It appears that the Petitioner filed a *pursis* below Exhibit-7 on 2nd January 2025 on behalf of the Original Complainant informing the In-charge Court that the complainant does not wish to argue before the In-charge Court. However, the Court declined her request. The Petitioner alleges that she was not heard adequately and interim relief was granted to the Applicant/Accused. According to the Petitioner, she had requested the Court not to hear the matter, on the instructions of her client's father that the nature of the case was woman centric. Two orders dated 2nd January 2025 and 3rd January 2025 were passed by the Court as follows:

“Order

Ld. Counsel Milind Pawar wanted to argue this bail application, considering accused 18/19 years old in jail since 14.11.2024 for ___ and false charges. Advocate Supriya Kothari made oral submissions raising objection to hear the bail application by this in charge court. She was asked the reason. She stated that this court has granted ad-interim anticipatory bail to accused No.2 and 5. She was asked whether any other reason to which she said no. Then her objection was turned down and parties were asked to argue. At this juncture this pursis is filed. Hence recorded.”

Sd/-

2.1.2025

“Order

Moved today at 12.50 p.m. Today the matter is posed for order on the bail application. This court being in charge, regularly decides the bail application of the in charge Court. Till date none of the parties or Advocates objected in this fashion. It seems that every attempt is being made to see that this Court does not decide the bail application. Hence read and recorded. Accused to submit”.

Sd/-

3.1.2025

5. Ultimately, the matter was argued and by order dated 4th January 2025, the Applicant/Accused was enlarged on Bail on certain conditions. In addition to her remonstrations to the order dated 3rd January 2025, she also has objection to paragraph nos. 26, 27, 33, 50 and 51 (6) of the order dated 4th January 2025. The order of 4th January 2025 reads as thus:

**“ORDER BELOW EXH. 1 IN BAIL APPLICATION NO.6957
OF 2024**

(Decided on 04.01.2025)

1] *What one gets in Court is date after date, is the feeling of a common man.*

2] *It is also said that wise should not climb the steps of Court.*

The scenario in the present matter resembles the above two sentences.

3] *Not only law but society expects speedy justice, much less speedy disposal of the matters and speedy orders. In the recent past, experiencing huge delay in deciding bail applications, the Hon'ble Supreme Court has framed guidelines and issued directives for the trial court prescribing time schedule for deciding the bail applications. Periodically data is being called from the Courts to monitor this situation, at times coercive directions are being issued to police and Judges, even at times consequences are given for failure.*

4] *Still it seems, there is not much happy situation.*

5] *There are multiple factors causing delay in disposal of the bail applications or the matters before the Court. Huge pendency of matters, less number of judges, skills of individual Judges, environment at particular station, leadership and back up system, complexity of the issues between the parties, bulky record, egos of the parties, at times the attitude of either or both parties to see the other implicated in graver or false matters, the attitude to do anything for this like creating false document on records, attempting to manage the machineries by hook or crook, insisting for early arrests without verification, etc. Beyond this, some times the Advocates are instructed for such sole purpose and some times the advocates also assist the parties in such ill motive, by creating situation to cause fear psychosis in the mind of Court to deter it from working without fear and favour.*

As such, the Judge alone cannot solely be said responsible for the delay, at least all the times.

6] *In such vitiated environment, the Court is expected to stand to the expectations of law and society. The prosecutor, the advocate for the accused and the advocate for the informant/victim are supposed to be the officers of Court to assist the Judge in discharging justice. When either of them or both decide not to assist but to play otherwise, it becomes difficult for the Court to achieve the expected outcome.*

7] *In order to see that trial is protracted, variety of modes are adopted. One after other, application for discharge is moved in stead of moving all at same time. It is also observed that the accused openly refused to get the charge framed, refused to sign the plea, etc. and claim before the higher Courts that trial is not commenced for longer duration and it is the lapse of the Court. Some times, unnecessarily lengthy cross-examination is conducted and unnecessarily lengthy arguments are advanced just to kill the time of the Court. The lengthy cross-examination at times include what is there and what is not there in the exhibited documents. The lengthy arguments include word by word reading of documents and thereafter, explaining the meaning of same.*

8] *In some bail application, it is seen that on the very first date prosecution and the police files reply, whereas some times it is seen that multiples dates are taken by the police and prosecution to file the replies. Some times, the prosecutors argue on the earliest date and some times keep on seeking adjournments on one or the other grounds. Where law provides audience to the victim of crime while deciding bail*

application, experience shows that some times the victim avoids the service of notice, if served, then avoid filing of reply at the earliest, seeks multiple adjournments, files the reply at later stage and again seeks adjournment to argue the bail application so that the decision on the bail application is protracted to longer period in contravention of directives of the Hon'ble Supreme Court.

9] *Some parties or advocates do not get satisfied with these practices only. When all weapons are used and still they want to protract, then they question the interest of the judge in deciding the matters at earliest.*

10] *These are few of the illustrations for causing the delay in disposal of the bail applications. If the judge tries to expedite the disposal, many a times the circumstances are created to make him feel that 'He is on trial'.*

11] *Mostly, it is matter of experience that neither the senior Advocates at station nor the Bar Associations play active role to curb such practices and it is left solely to the judge only. One against rest all.*

12] *Though Hon'ble Supreme Court has issued timelines and directions to the Courts, there seems no directions to the Public Prosecutors that on the first date only they should file reply and argue the matter, if Court time permits. There are no directions to the advocates representing either accused or informant/victim on similar lines.*

13] *Vide the present application under Section 483 of BNSS, the accused Jash Binani/Dhoot, aged 19 years sought for regular bail in C.R. No. 604/2024 registered with*

Chandannagar Police station for the offences punishable u/s 74, 123, 115 of BNS, 2023 & Section 8, 12 of POCSO Act.

14] Before touching the merits of the matter, the circumstances and developments in the matter needs to be noted.

(a) C.R. No.604/2024 came to be registered at Chandannagar Police Station on 14.11.2024 against Jash Yogesh Dhoot/Binani and his mother Tulika Binani. On the same day the applicant Jash came to be arrested. On 19.11.2014 the co-accused Tulika Binani appeared before this Court for exparte ad-interim anticipatory bail in the same crime. Advocate Shri Milind Pawar was heard. That time, Advocate Smt Kothari appeared for the informant and sought oral permission to object. The application being exparte, i.e. before issuing notices, her request was not considered and the application was decided on its own merit.

b] On 02.01.2025 the present matter was placed before this Court being in-charge of the POCSO Court. The ld. Judge of the POCSO Court proceeded on leave from 02.01.2025 to 06.01.2025.

c] Ld. Counsel Shri Milind Pawar for the present applicant submitted that the applicant is in jail since 14.11.2024, he is below 19 years old, he is arrested on account of family dispute between his mother Tulika and step father Yogesh. At this stage, ld. Spl. APP representing the State made a submission that co-accused Tulika has disclosed the identity of victim minor girl in the society, appropriate offences are added in the crime, the investigation officer is not

present and so, matter may be adjourned. In view of contentions raised by the applicant and considering the period of his detention, his age and the directives of Hon'ble Supreme Court, the Id. Spl. APP was requested to go ahead with the arguments. Id. Spl. APP conceded the same.

d] When Advocate Shri Pawar for the applicant started his arguments, Id. Advocate Smt. Supriya Kothari for the informant orally objected the hearing before this Court (in-charge Court). She asked this in-charge Court to adjourn the matter in the next week before the regular Court. She was asked the reason for the same.

e] Id. Advocate Smt. Supriya Kothari submitted that this Court had granted ad-interim exparte anticipatory bail to co-accused Tulika without hearing the informant and said co-accused Tulika disclosed the identity of victim girl in the society. It was made clear to advocate Smt. Supriya Kothari that it was pre notice stage and so, it was decided accordingly, so far as conduct of Tulika, it would be dealt as per law. She was also informed that the present matter is for final hearing and she can argue to her satisfaction.

f] In spite of above communication, Id. Counsel Smt. Kothari objected for hearing of the matter before this Court. In view of her insistence to adjourn, this Court specifically asked her whether she has any other objection/issue than raised above. She answered in the negative.

g] In view of above circumstances, Id. Counsel Shri Pawar for the applicant and Id. Spl. APP were requested to go ahead with the arguments. During course of the arguments of

Id. Counsel Shri Pawar, Id. Counsel Smt. Supriya Kothari filed pursis Exh. 7. The same objection was mentioned and it was submitted that the matter may be referred to regular Court. Whatever had taken place before the Court, till then was recorded on the said pursis.

Again Id. Adv. Smt. Kothari submitted with insistence that she won't argue. In view of such attitude, Court asked Adv. Pawar and Spl. APP to proceed with and Court would go ahead.

h] Thereafter, Id. Counsel Shri Pawar argued at length for the applicant, Id. Spl. APP argued for State. Id. Advocate Smt. Supriya Kothari also argued at length on merits of the matter.

I] After hearing all sides, the matter was posted for order on 03.01.2025. After going through the record, before proceeding for order, at around 12.40 p.m. another pursis came to be produced before this Court vide Exh. 9. It was also moved by Id. Advocate Smt. Supriya Kothari.

j] Besides the earlier objection, Id. Counsel Smt. Kothari additionally mentioned in the pursis that this Court disregarded Id. Spl. APP, this Court directed the advocate for informant to argue the matter failing which order may be passed and under these circumstances, she argued for the informant unwillingly.

15] This Court regularly remains in-charge of the POCSO Court. Whenever this Court is in-charge of the POCSO Court, this Court listens the arguments on the bail application and decides the same on the same day itself. Neither Spl. APP nor any Advocate had earlier objected this

practice. Approximately 5-7 applications for bail one decided on 02-01-2017 and 03-01-2017 also. Normally, such bail applications are argued by the parties within 5-7 minutes and almost in 90% of such bail applications, this Court immediately passed orders running in one or two pages only.

16] *In view of this second pursis Exh.9, this Court recorded all the circumstances and also called the accused to make submissions, without proceeding for order.*

17] *Advocate Shri Milind Pawar for the applicant was not present on 03.01.2025, his junior filed pursis Exh.10, it is submitted that the accused is in jail since 14.11.2024, the advocate for informant is using various tac-tic to prolong the matter and so, the bail application be decided as it is already heard. He also orally requested to keep the matter on 4.1.2025 so that his Senior advocate Shri Milind Pawar may appear.*

18] *Accordingly, the matter was posted on 04.01.2025. Around 1.30 p.m. Id. Counsel Shri Milind Pawar for the applicant/accused filed pursis Exh.11. He submitted that the bail application was posted for argument on 29.11.2024, 05.12.2024, 13.12.2024, 20.12.2024 and 02.01.2025. He further submitted that the conduct of the informant and his advocate is to interfere with the proceeding, leveling false allegations against the Court, false and baseless pursis is filed by the informant, the matter was ready for argument for long, advocate for informant played delaying Practice to adjoun the matter and now she is levelling false allegations against the Court. Strict action needs to be taken against her by referring the matter to the Chief Justice of*

Bombay High Court and Bar Council of Maharashtra and Goa.

19] *After passing this pursis, ld. Counsel for the informant filed application Exh. 12 around 3.30 p.m.*

20] *Vide this application, the informant's advocate submitted that the matter is posted for order, the advocate for informant argued on 02.01.2025 under protest, recent development has taken place, attention of the Court is needed to prevent irreparable harm to the victim. In such circumstances, the matter may be posted on 06.01.2025 before the regular Court for re-argument.*

No details on instances of so called recent development were mentioned in application.

21] *The submission of Advocate for accused and Spl. APP was called on this application.*

22] *Ld. Spl. APP filed his say at Exh.13. It is submitted that the prosecution has argued the matter at length, the matter is fixed for order and appropriate order may be passed.*

23] *Ld. Counsel Shri Milind Pawar for the applicant/accused filed his say at Exh.14.*

24] *It is submitted therein that on 03.01.2025 the informant has made serious allegations against the Court, it is just threat to the Court, the informant is interested to delay the proceeding, Hon'ble Supreme Court has directed to decide bail within 8 days, after closure of the matter for order, such a request for re-argument before other Court cannot be made, this constitutes dictating the functioning of the Court and therefore, the matter needs to be referred to the Bar Council*

of Maharashtra and Goa for professional misconduct, this Court should issue notice of Contempt of Court,

25] *In the aforesaid circumstances, it is seen that though the objection raised by the Advocate for informant was turned down, though she filed pursis on 02.01.2025 and argued at length on merits without protest along with other side and though the matter was posted for order, still Id. Advocate for the informant went on moving additional pursis dated 03.01.2025 and application dated 04.01.2025 just to see that the matter is not decided.*

26] *As already seen, the applicant/accused is below 19 years age, he is in jail since 14.11.2024, the regular Court was on leave till 06.01.2025 from 02.01.2025 and so, this Court had heard the matter. It shows that any how without having any valid reason Id. Counsel for informant wanted to delay the decision. It may be forum hunting even.*

27] *The circumstances are being created to make the judge feel himself to be on trial and refuse himself from passing order.*

28] *If the judge proceeds to adjourn the matter, such practices are encouraged and get flourished.*

29] *If the matter is decided and it goes in favour of the accused, the judge has to carry the possible risk of false complaint.*

30] *Some times the judges have taken the experience of seniors guiding them not to touch such matters, keep on adjourning and so, again such practices are encouraged. Some times, there is chance of higher authority also asking in the same fashion, why to make hurry, for few more days only the*

accused would have landed in Jail, why to take tussle with advocates, we cannot improve the situations, etc. and so on.

31] *Under the aforesaid circumstances, every judge takes his personal call as per his personality. Here, the post or position or hieranctly of the officer does not play any role but the response of the Judge is decided by his personality, his attitute towards the system and society.*

32] *At the end, the ultimate beneficiary or sufferer is the person whose liberty is curtailed. The personal liberty is of paramount importance and it can not be allowed to be curtailed by such practices. The culture of institute, gets damaged causing threat to the fabric of society also.*

33] *In the matter in hand, as already seen, the sole objection was not giving hearing to the informant while granting exparte ad-interim anticipatory bail to the co-accused. Besides this, there is no other objection.*

34] *In the aforesaid circumstances, though this is incharge Court, as per its regular practice, and considering the totality of the above circumstances, this Court is deciding the present bail application on its own merits.*

35] *According to prosecution, the informant Yogesh had victim girl aged 16 years from his first wife. The informant Yogesh married co-accused Tulika approximately in 2019. The co-accused Tulika is having son Jash, the present applicant from her earlier husband. After marriage, they co-habitated together.*

36] *According to prosecution, the crime is committed from 2023 to 24th September 2024. It is alleged that co-accused Tulika had forced the victim minor girl to see adult*

film 365 days, the applicant/accused Jash used to consume drug, used to insist the victim minor girl to consume drugs, the applicant used to bring girls at home, used to have obscene behaviour with them in the vision of victim minor girl. In the month of July 2024 in the marriage at Udaypur, Rajasthan, the applicant Jash had pulled the shirt of victim minor girl and kissed her.

37] *On such complaint, the present crime came to be registered on 14.11.2024. In spite of issue amongst family members, having delay, without attempting even to know the other side version, the applicant Jash is seen to be arrested immediately on 14.11.2024 itself.*

38] *I have gone through the bail application, reply of the prosecution, and reply of the informant/victim.*

39] *I have heard ld. Counsel Shri Milind Pawar, ld. Spl. APP and ld. Counsel Smt. Supriya Kothari for the informant at length.*

40] *The submission of ld. Counsel Milind Pawar is as under :*

There is delay of 11 months, victim is the sister of applicant, the photographs at the marriage at Udaypur reveal the victim and applicant enjoying the moments with all family members. The accused applicant had already undergone drug test at the instance of informant and both times they are negative. The screenshots of chats between the victim girl and the applicant/accused reveal the relationship of brother and sister. There had been domestic issues between the informant and coaccused Tulika, the informant wanted to sell out the residential flat and so, false FIR is lodged.

41] *The submission of Id. APP and Id. Counsel for the informant in short is as under :*

42] *Explanation for the delay is given, the applicant used to consume drugs, used to force the victim to consume drugs, used to bring girls at home, used to have obscene behaviour with them in the vision of victim, the co-accused has disclosed the identity of victim girl in the society, the victim had to change her school, photo is produced to show the applicant consuming drugs, no family dispute is pending between the parties in any Court, there is no relationship of brother and sister, victim has stated everything in her statement, her statement is consistent with the FIR, due to tender age of victim there is delay in lodging FIR, there is criminal antecedents against co-accused Tulika, after registration of FIR, threats are given to the informant.*

43] *With these submissions, Ld. APP and Advocate for the informant prayed for rejecting the bail.*

44] *As per the investigation report by the Appolo Hospital, the Drug Test of applicant is negative. As per the photographs, produced on record by the applicant, the victim girl is seen happily with the applicant and other family members. As per the Chat between the applicant and victim, she called the applicant as brother and very close to her. She has also begged pardon of the applicant. The Text messages also reveal some quarrels between the informant and co-accused Tulika.*

45] *As per Affidavit of informant, himself before Family Court, he had very happy living with the applicant and his mother.*

46] *At this stage, the Court is not expected to decide the veracity of the allegations or the defence.*

47] *At this stage, the Court is expected to consider the totality of the circumstances to see whether in the given circumstances the applicant/accused needs to be continued in detention or he needs to be set at liberty by putting some conditions, if needed.*

48] *As already seen, the applicant/accused is below 19 years old. As per record, he appeared for examination during this period of detention by the leave of Court. It shows his academic background. There are no criminal antecedents against the applicant. He is in custody for considerable long period since 14.11.2024.*

49] *In the totality of above circumstances, the accused needs to be enlarged on bail.*

50] *Advocate Pawar for the applicant vehemently prayed for referring the matter to Bar Council and Chief Justice for alleged professional misconduct and contempt. The appropriate Authority to decide professional misconduct is the Bar Council. Certainly, the conduct of Id. Counsel Smt. Supriya Kothari cannot be said to be proper in view of her almost dictating the Court not to hear the matter, not to pass order, etc. The applicant being educated and from well to do family and Id. Counsel Shri Pawar being senior in practice can also move the Bar Council on their own. Under heavy workloads, the Judge alone cannot be expected to take all corrective measures including moving the Bar Council, etc.*

51] *Accordingly, following order is passed :*

ORDER

1. *Application is allowed.*
2. *The Applicant/accused Jash Yogesh Dhoot/Binani, age 19 year be released on bail in C.R. No. 604/2024 registered with Chandannagar Police station for the offences punishable u/s 74, 123, 115 of BNS, 2023 & Section 8, 12 of POCSO Act. on his executing P.R. and Surety bond of Rs.25,000/-.*
3. *The Applicant/accused is directed not to make any attempt to meet the informant or victim or to communicate with them by any mode or manner till the investigation is completed.*
4. *The applicant/accused is directed to mark his attendance at the Chandannagar Police Station every Sunday at 10.00 a.m. till completion of investigation.*
5. *The applicant/accused is directed not to visit the place where the victim girl is residing and not to disclose her identity.*
6. *Though ld. Counsel Shri Milind Pawar requested for referring the matter to the Bar Council of Maharashtra and Goa for professional misconduct, it is left with the choice of applicant/accused or his advocate to move so. The Court may take its own call in future if needed.*

(Emphasis supplied)”

6. Mr. Priyal Sarda, learned counsel appeared for the Petitioner and Ms. M. S. Bane, learned AGP represented the State.
7. Mr. Sarda, assailed the observations of the Additional

Sessions Judge, Pune in the impugned orders on the ground that the observations made by the Judge are prejudicial to the Petitioner and she acted only as per instructions of her client. He further states that the Petitioner only pointed out the 'affairs of the case' to the Judge and conveyed her intent that she did not want to argue before the In-charge Court. He submitted that since the Regular Court was going to be available in the next few days, there was no need for the In-charge Judge to pass orders. He also submits that the Petitioner was not given any notice of the observations in the order and was thereby denied a fair chance to present her side before the Court. He finally submits that the observations which are sought to be expunged are likely to severely affect the Petitioner's reputation in society and more particularly in Pune Courts. He thus, urged us to expunge the said observations in the orders.

8. We have heard both the counsels and perused the papers with their assistance.

9. By order dated 2nd January 2025, the Court appears to have simply recorded the submissions made by the counsels namely Adv. Milind Pawar representing the Accused in the Bail Application

and the Petitioner herein. The Petitioner herself brought to our notice the *pursis* dated 2nd January 2025 submitted by her where in the last paragraph she has specifically said that the Original Complainant does not want to argue before the In-charge Court and will argue only before the Regular Court. It thus, stands to reason that the observation recorded in the order regarding oral submissions raising objection to hear the Bail Application by the In-charge Court ,commensurate with the contents of the *pursis*. The learned Judge appears to have fairly recorded the submissions of the counsels without observing anything, adversely affecting the Petitioner.

10. We have also perused the order dated 3rd January 2025. This order also seems to record the conduct of the Petitioner, since she herself has continued to seek adjournment on the ground that her client did not want the In-charge Court to pass any order. A plain reading of the order indicates that after the Bail Application was argued on 2nd January 2025, the Petitioner moved the Court at 12.40 p.m. on 3rd January 2025 requesting the Court to not pass any order on the Bail Application. The Court has simply recorded its observation that an attempt was made to thwart the Court from deciding the Bail

Application. There again does not seem to be any unwarranted comment or remark made by the learned Judge which did not commensurate with the *pursis* and oral submissions made by the Petitioner.

11. We have gone through the paragraphs objected to by the Petitioner in order dated 4th January 2025. From the documents filed by the Petitioner herself before us, it is apparent that she/her client was not inclined to either argue the Bail Application before the In-charge Judge or want him to decide the same. To that effect, the Petitioner filed the *pursis* and when the same was rejected, she mentioned the matter on the very next day praying that the In-charge Court must not decide the Bail Application. It is in this context that the learned Judge appears to have recorded that the Petitioner wanted to delay the matter or indulge in forum hunting.

12. From the contents of the paragraph nos. 26, 27 and 33 it appears that circumstances were tried to be created to somehow intimidate the learned Judge and prevent any order from being passed. Paragraph No.50 records that, Mr. Milind Pawar, the opposing counsel prayed for referring the conduct of the Petitioner to the Bar

Council and the Chief Justice for alleged professional misconduct and contempt. The learned Judge has recorded the statement of Mr. Pawar but, in fact refused to exercise that discretion. He has once again simply recorded his observation that the conduct of the Petitioner was insistent to the extent that she was almost 'dictating' the Court not to pass any order. Having made the single observation, the Judge has simply left it to the wisdom of the opposing counsel/Bail Applicant to exercise the option of representing to the Bar Association.

13. All three orders, when viewed in their entirety, it is quite clear that the Petitioner did not want the Bail Application to be heard by the In-charge Court. There is no practice that a particular Bail Application has to be heard by the Regular Court itself despite the fact that the In-charge Court is ready to hear the proceedings. The present matter entailed hearing of a Bail Application of a 19 year-old boy, who was already in custody for a considerable time. We do not find any infirmity in the decision of the learned Judge in hearing the Bail Application expeditiously. Moreover, the remarks/observations made in the orders dated 2nd January 2025 and 3rd January 2025 are in conformity with the Petitioner's written *pursis*.

14. We find that the assailed observations in paragraph nos. 26, 27, 33, 50 and 51(6) are within the bounds of judicial propriety and are not conclusive findings of the learned Judge. The Petitioner had ample opportunity to explain her insistence for refusal to argue before the In-charge Court. But she herself stated in her *pursis* and oral submissions that she did not want the In-charge Court to hear the Bail Application. In fact, she submitted before the Court that the matter being ‘woman centric’, her client desired that the same be heard by the Regular Court.

15. We find that the learned Judge has only recorded what was argued before him and what was submitted by the counsels during the course of arguments. The only observation that is likely to adversely affect the Petitioner’s reputation is that which appears in paragraph no. 50 of the order dated 4th January 2025, regarding the conduct of the Petitioner, fit to be reported to the Bar Association. Ordinarily, the Courts exercise restraint and avoid unnecessary remarks that may harm a lawyer’s reputation, however, the learned Judge’s remark appears to stem from the persistent insistence of the Petitioner in evading the jurisdiction of the In-charge Court. In this view of the

matter, although, we are not inclined to expunge the remarks/ observations assailed by the Petitioner in the present Petition, it is open for the Petitioner to make an Application before the learned Additional Sessions Judge, Pune, for expunging the remarks by tendering an unconditional apology.

16. If such an application is made, the Court concerned shall decide the said application on its own merits, without being influenced by our observations in this order.

17. Accordingly, the Petition is disposed off in the aforesaid terms.

18. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)