

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1237 OF 2025

Radheshyam Ramasare Gupta

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

.....

- Ms. Gunjan Deepak Thakkar, Advocate for Applicant appointed through legal aid.
- Mr. Sukanta A. Karmakar, APP for Respondent Nos.1 and 2.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 27, 2025

P.C.:

1. Heard Ms. Thakkar, learned Advocate for Applicant appointed through legal aid and Mr. Karmakar, learned APP for Respondent Nos.1 and 2.

2. Applicant is indicted under Section 376 of the Indian Penal Code, 1860 (for short '**IPC**') and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short '**POCSO Act**') for 5 years 7 months 3 days pending trial and charge has not been framed.

3. Ms. Thakkar, learned Advocate is appointed through legal aid to represent and espouse the cause of Applicant. She has filed Application on behalf of Applicant. Charge-sheet is annexed to the Application.

4. Today when the matter is called out Mr. Karmakar, learned

APP enters appearance for Respondent Nos.1 and 2 and waives service on behalf of Respondent Nos.1 and 2. Respondent No.3 is the private Respondent.

5. Issue notice to Respondent No.3. Humdast permitted. In addition to Court's notice, Applicant is directed to serve a copy of this order and copy of the Application on the Investigating Officer directly.

6. Investigating Officer is directed by this Court to depute a responsible lady Police Officer to serve copy on Respondent No.3 and obtain her consent as to whether she requires legal representation through legal aid so that appropriate steps can be taken to appoint a Advocate through legal aid. The consent of Respondent No.3 shall be apprised to the Court on the next adjourned date through the learned APP.

7. *Prima facie*, Mr. Karmakar, learned APP points out to the Court that gravity of the offence is such that the Court while considering the present Application for bail should direct the learned Trial Court for expedition of trial. Court can certainly do that in a given case provided if there is some movement in the matter being heard by the Trial Court and on the part of the prosecution in the case before Trial Court. In the present case, what I find is that for the past 5 years 7 months, charge has not been framed. Trial is at a standstill. Mr. Karmakar, learned APP shall apprise the status of trial in the

present case on the next adjourned date after which the present Application shall be considered. Let the above directions be complied with by the learned Advocate for Applicant within a period of one week from today to enable the Court to pass further direction if necessary and then hear the matter finally due to long incarceration of Applicant pending trial.

8. Stand over to **03rd April, 2025**. To be placed under the caption '**For Directions**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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