



# IN THE COURT OF SPECIAL JUDGE AT PANVEL, DISTRICT- RAIGAD

SPECIAL CASE NO.67/2021

The State of Maharashtra --- Prosecution

Vs.

Lingappa Mallaya Poojari --- Accused

**Corum** - Santosh C. Shinde

**Date** - 16<sup>th</sup> January 2026

## **Appearance-**

Ld. advocate Mr. Manan Shah for the accused.

Ld. Spl. P. P Smt. Wade for the State of Maharashtra.

## **Order Below Exh.52**

1. Heard Ld. advocate Mr. Manan Shah for accused and Ld. Spl. P. P Smt. Wade for the State.
2. This is fourth bail application filed by the accused for granting bail.
3. Notice was issued to victim & State of Maharashtra. Say is filed at exh.56 and application is strongly objected.
4. Ld. advocate for accused submitted that accused had approached to the Hon'ble Bombay High Court by filing bail application No.1433/2025 challenging the order dt.31<sup>st</sup> January 2023 of my Ld. Predecessor. The Hon'ble High Court

in Para No.7 of the order dt.4<sup>th</sup> August 2025 has requested to make an endeavor to expedite the proceeding and dispose of the same within period of 5 months from the 12<sup>th</sup> August 2025.

5. Ld. advocate for accused has placed on record photocopy of that order. He further submitted that trial is not concluded within the period of 5 months and prosecution has overlooked to bring of 17 witnesses before the Court as per order of the Hon'ble Bombay High Court. As the trial is not concluded within that period, accused is entitled for bail.
6. Ld. Spl. P. P submitted that prosecution has made sincere efforts to produce witnesses before the Court and till today, 5 witnesses have been examined. Offence is serious in nature. Previous bail applications of accused are rejected on merit. Due to unavoidable circumstances, it was not possible to bring all the witnesses in time. Prosecution is ready to expedite the matter and to produce remaining witnesses.
7. Perused charge-sheet & record.
8. In present case, accused is facing charges for offence punishable u/s.363, 354B, 376(2)(j)(l), 376(3) of the IPC, u/s.4, 6, 8 & 12 of the POCSO Act & u/s.3(1)(w)(i)(ii) & 3(2)(v)(va)of the SC & ST Act. FIR shows that that on 24<sup>th</sup> March 2021 victim (who is differently abled person) had gone to wash clothes on river and in the afternoon at about 1:00 to 1:30 PM when she was returning home, accused came on his motorcycle and forced her to sit on his motorcycle. Then, he took her in forest area behind the I.O.C.L. Company and in bushes, he committed forcible sexual intercourse with victim

after removing her clothes. When victim was shouting, accused threatened her that he will kill her her if she raised noise.

9. FIR further shows that hearing cries of victim, three to four women rushed towards there. Those women were neighbours of victim and they had gone in the forest area to collect wood. When those women rushed there, accused ran away from the spot on his motorcycle. Then those women brought the victim to her house. Incident was narrated by victim to her mother and thereafter, FIR is registered.
10. Record shows that my Ld. Predecessor has rejected bail application of the accused on merit. Accused had filed Criminal Bail Application No.1433/2025 before the Hon'ble Bombay High Court. Said application was disposed of order dt.4<sup>th</sup> August 2025 as it was withdrawn by the accused. In para 9 of that order, the Hon'ble High Court has observed as follows

*“considering the peculiar facts and circumstances of the present case and by recording the submission of prosecution that they would complete the prosecution evidence within a period of 3 months from 12<sup>th</sup> August 2025, the Additional Sessions Judge, Panvel-Raigad is requested to make an endeavor to expedite the proceeding of Special Case (POCSO) No.67 of 2021 and at any rate to dispose of the same within a period of 5 months from 12<sup>th</sup> August 2025”.*

11. Present bail application is filed by accused for the reason that trial is not concluded within the period of 5 months from 12<sup>th</sup> August 2025. Record shows that till date, five witnesses have been examined. There are 1160 cases pending relating to POCSO Act & atrocities on women which includes cases of

under trial prisoners. The Court has to deal with old matters and matters of under trial matters along with all priority matters. Daily witnesses come and they are examined in such matters which is also consuming valuable time of the Court. However, sincere efforts are taken for early disposal of this case.

12. If nature & gravity of the offence as well as stage of the trial is considered then I am of the view that at this stage accused cannot be released as it may adversely impact the moral of witness and they may not come forward to depose against accused. Prosecution has assured that it will examine the witnesses in time and conclude trial early.
13. No doubt, trial is not concluded during aforesaid period, but same cannot be ground of merit and accused cannot take that ground as of right. Accused is resident of Karnataka and during the trial, if he is released on bail then there no possibility that he will attend the trial regularly. Considering nature & gravity of offence, there is no merit in the application and same is liable to be rejected. As a result, I pass the following order.

### ORDER

1. Application is rejected.
2. Registry is directed to inform accused about this order by e-mail.

(Application is disposed of accordingly)

Sd/-

Panvel  
Date - 16/01/2026

**(Mr. S. C. Shinde)**  
Special Judge, Panvel,  
Dist.-Raigad