

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

CRIMINAL BAIL APPLICATION NO. 3229 OF 2019

Prakash Jayant Dhongade ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. S.S. Shirsath, Advocate for the Applicant.
Mr. S.R. Aagarkar, A.P.P. for the Respondent-State.
Mr. S.S. Katkade, P.S.I., Charkop Police Station.

...

CORAM : SANDEEP. K. SHINDE, J.
DATE : 12th DECEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.

2. Applicant is seeking enlargement on bail in Crime No. I - 48 of 2016 registered with the Charkop Police Station, for the alleged offences punishable under Sections 377, 354, 506(1) of the Indian Penal Code, 1860 and Sections 3, 5, 7 of Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short).

3. Victim is 6 years old. Her statement under Section 26 of the POCSO Act and under Section 164 of Criminal Procedure Code, 1973 has been recorded. Victims' mother is a complainant. The alleged incident occurred on 18.02.2016. Besides prosecution has cited eye-witness. I have no reason to disbelieve victim, and eye witness. Learned counsel for the applicant submits statement of the victim has been recorded, in breach of provisions of Section 26(1) of the POCSO.

4. The applicant is in the jail for 3 years and 10 months. The trial has not yet commenced.

5. The POCSO Act mandates, the trial shall be concluded as far as possible within the year from the date commission of the offence.

6. In view of the evidence available on record, the application is rejected.

7. The learned Special Court is directed to conclude the trial on or before 30th April, 2020.

8. Applicant is granted liberty to renew his request for enlargement on bail if trial is not concluded before 30th April, 2020.

9. The application is to be disposed of in the aforesaid terms.

(*SANDEEP. K. SHINDE, J.*)