

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 CRIMINAL APPEAL NO.599 OF 2020

Prakash s/o Ramji Rathod ...Appellant

Versus

The State of Maharashtra and Another ...Respondents

...
Advocate for Appellant : Mr. S.C. Bhosle
APP for Respondent/State : Mr. K.S. Patil
...

**CORAM : RAVINDRA V. GHUGE &
B.U. DEBADWAR, JJ.**

DATE : 10th DECEMBER, 2020.

PER COURT :-

1. By this appeal, the appellant prays for regular bail in Crime No.0231 of 2019 dated 01.08.2019 registered with the Bhokar Police Station, Taluka Bhokar, District Nanded in view of the offences allegedly committed by the appellant which are punishable under Section 376 (2)(i), 376 (2)(n), 506 read with 34 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2)(v) of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. We have heard the learned counsel for the appellant and the learned Prosecutor, at length.

3. We have perused the earlier order passed by this Court dated 26.11.2019, vide which, Criminal Appeal No.1064 of 2019 filed by the present appellant, has been dismissed on merits.

4. We have gone through the record available with the assistance of the learned counsel and have perused the deposition of the victim.

5. Firstly, we do not find any change in circumstances for which this Court could consider this appeal for grant of regular bail keeping in view the earlier order of this Court dated 26.11.2019. Secondly, the recording of the evidence of the victim has already concluded on 23.10.2019. The learned counsel for the appellant informs us that the next date before the Special POCSO Court in the Special (POCSO) Case No.14 of 2019, is scheduled on 18.12.2020, for recording of further evidence.

6. The learned Prosecutor submits that the trial would be concluded within a short duration keeping in view that the recording of evidence of the victim has already been concluded on 23.10.2019, which is about 14 months ago. Since there were certain directions as a part of the Standard Operating Procedure (SOP) announced by this Court for the

trial Court, in the light of the Covid-19 pandemic, the matter could not progress. However, now that the unlock phase has already begun and a new SOP has been introduced with effect from 01.12.2020, the trial would be concluded within a short duration. He further submits that it would be risky to consider the request of the appellant, keeping in view that he is likely to tamper with the evidence and this is a sensitive case under the Protection of Children from Sexual Offences (POCSO) Act, 2012.

7. In view of the above and upon considering the record available, we do not find that this appeal deserves to be entertained. The same is therefore dismissed. The trial in the Special (POCSO) Case No.14 of 2019 is expedited.

(B.U. DEBADWAR, J)

(RAVINDRA V. GHUGE, J)