

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

CRIMINAL APPEAL NO.650 OF 2020

**LAKHAN @ VINOD S/O KUMAR KAKADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Appellant : Rahul R. Karpe
APP for Respondent No.1 – State : Shri R. D. Sanap
...

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

DATE : 15th DECEMBER, 2020

PER COURT :

1. We have heard the learned advocate for the appellant and the learned prosecutor on behalf of respondent No.1. We have perused the detailed order passed by this Court (Coram : T. V. Nalawade and M. G. Sewlikar, J.J.) dated 07-01-2020 in Criminal Appeal No. 1234 of 2019 with Criminal Appeal No. 1300 of 2019, vide which, this Court declined to grant regular bail to the appellants.

2. We have also gone through the order dated 03-02-2020 passed by the Hon'ble Apex Court in Special Leave to Appeal (Cri.) No(s). 584 – 585 of 2020. While dismissing the special leave petition, the Hon'ble Apex Court has observed as under :-

“On hearing learned counsel for the petitioner, we are of the view that the petitioner be permitted to renew the request

for bail before the trial Court after the evidence of the prosecutrix is recorded.”

3. The grievance of the appellant is that since March, 2020, the trial of the case has not progressed. The learned APP submits that the COVID-19 pandemic had already entered this country by February, 2020 and on 24th March, 2020, the national lock-down was clamped which was continued for more than seven months. He submits that our High Court has issued SOP on the basis of which regular trials have now commenced from 01-12-2020 and the physical conducting of matters in all Courts in the State has also been permitted.

4. The learned advocate for the appellant has taken us through the grounds for seeking bail. We find that there is no change in circumstances that were considered by this Court in its detailed order dated 07-01-2020, which has been confirmed by the Hon'ble Apex Court, except that the prosecutrix is yet to be examined.

5. In view of the above, this appeal is dismissed, with a direction to the trial Court to commence the recording of the testimony of the prosecutrix and ensure that such recording of her testimony is completed, in any case on or before 15-02-2021, and there shall be no request for extension of time. After the recording

of the testimony of the prosecutrix is completed as directed hereinabove, the appellant would be at liberty to renew his request before the trial Court for bail in view of the liberty granted by the Hon'ble Apex Court in it's order dated 03-02-2020.

6. The learned advocate for the appellant submits that he desires to approach the Hon'ble Apex Court. Needless to state that we are not required to express any view on such request.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

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