

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

LD-VC-APPEAL NO. 275 OF 2020

(SALIM KHAN S/O. AKBAR KHAN ... VS. THE STATE OF MAHARASHTRA, THROUGH P.S.O., P.S.
AKOT (RURAL), DISTT. AKOLA & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr A. B. Mirza, Advocate for appellant.
Mr T. A. Mirza, APP for Respondents.

CORAM : Z.A.HAQ & N.B.SURYAWANSHI, JJ.
DATED : JUNE 19, 2020.

Heard Mr. A. B. Mirza, learned Advocate for the
appellant and Mr. T. A. Mirza, learned APP for the State.

2] This appeal is filed by the appellant seeking regular bail in C.R. No. 453/2018 registered with Akot (Rural) for offence punishable under Section 302 read with Section 34 of the Indian Penal Code, Sections 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015 and under Sections 8 & 10 of the Protection of Children From Sexual Offences Act, Section 14 of the Child Labour Act and Sections 23 and 25 of the Juvenile Justice (Care and Protection) Act, 2000. The appellant had earlier approached this Court by filing appeal against rejection of his regular bail bearing Criminal Appeal No. 380 of 2019 which after hearing the parties was permitted to be withdrawn.

3] The present appeal is filed seeking bail on the ground of change in circumstance that due to COVID-19 Pandemic, sessions case of the appellant is not being taken up for hearing.

4] We have gone through the record. Charge was framed against appellant on 02.11.2019 and the case is fixed for evidence. However, due to the lock-down, the prosecution could not lead evidence. We do not find this is a ground appropriate to be considered as change in circumstance. The allegations against the appellant are serious. A seven year old boy was tortured and brutally murdered. Taking into consideration the fact that the earlier appeal of the appellant was withdrawn and as we do not find any change in circumstance in the matter, the appeal is **dismissed**.

(N.B.SURYAWANSHI, J)

(Z.A.HAQ, J.)

Namrata

Rajiv
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