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

910 CRIMINAL APPEAL NO.689 OF 2020

**RAHUL S/O BANDURAO DHAVAL
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

...

Mr V.C. Patil Ashtekar, Advocate for Appellant :
Mr S. G. Sangle, APP for Respondent No.1;
Mr A. B. Kharosekar, Advocate for respondent No.2;
Mr Waqar Nasir Pathan, Advocate h/f Mr Wesley Menezes, Advocate
for victim

**WITH
CRIMINAL APPEAL NO.576 OF 2020**

**VIMALBAI W/O KHANDOJI PAIKRAO
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

...

Mr S. R. Bagal, Advocate h/f Mr B. N. Gadegaonkar,
Advocate for Appellant;
Mr S. G. Sangle, APP for Respondent No.1;
Mr A. B. Kharosekar, Advocate for respondent No.2;
Mr Waqar Nasir Pathan, Advocate h/f Mr Wesley Menezes, Advocate
for victim

**WITH
CRIMINAL APPEAL NO.582 OF 2020**

**SANJAY S/O VIJAY MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

...

Mr Nilesh S. Ghanekar, Advocate for Appellant;
Mr S. G. Sangle, APP for Respondent No.1;
Mr A. B. Kharosekar, Advocate for respondent No.2;
Mr Waqar Nasir Pathan, Advocate h/f Mr Wesley Menezes, Advocate
for victim

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.
DATE : 28th January, 2021**

PER COURT:

1. We have considered the submissions of the learned Advocates for the appellants, at length.

2. The learned Advocates for the appellants sought a pass over to take instructions and after the matter was once again called out, it is submitted on instructions that the appellants seek liberty to withdraw these appeals, with liberty to renew their request for regular bail after the testimony of the victim has been recorded by the trial Court. We are informed that the matter before the trial Court is posted today, at the stage of framing charge. The learned Advocates submit that the recording of the testimony of the victim can be completed by 31-03-2021 with the cooperation of the parties and thereafter, depending on the testimony, the appellants may opt for renewing their request for regular bail.

3. Since the Special Case is under the Protection of Children from Sexual Offences Act (POCSO), the prosecution shall ensure that the reports from the regional Forensic Science Laboratory, with regard to any samples/articles, shall be acquired so as to be produced before the trial Court prior to the recording of the testimony of the victim. This would equally apply to the Muddemal property.

(3)

4. In view of the above, all these appeals are disposed off as withdrawn, with the following directions :

(a) In the Special Case No.35 of 2020, before the trial Court today, the trial Court can frame the Charge, either today or on or before 10-02-2021.

(b) The prosecution shall tender it's list of witnesses on or before 20-02-2021, with notice under Section 294 of the Code of Criminal Procedure and the accused shall render cooperation by discharging their burden under Section 294 on the same date.

(c) The trial Court, subject to the submission of the CA reports, would record the testimony of the victim and complete the recording of her evidence as far as possible, on or before 31-03-2021 and the prosecution shall render cooperation.

(d) After the recording of the evidence of the victim is completed, the present appellants would be at liberty to renew their request for regular bail, if so advised.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

sjk