

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

CRIMINAL APPLICATION (BA) NO.741 OF 2021

(Sachin Vithalrao More Vs. The State of Maharashtra thr. PSO PS Seloo, Dist. Wardha
and another)

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for Applicant.
Mrs. K. R. Deshpande, APP for Non-Applicant 1/State.

CORAM: ROHIT B. DEO, J.

DATE: 28th SEPTEMBER, 2021.

The applicant is seeking bail in connection with offences punishable under sections 363, 366, 376 (2)(n)(l) of the Indian Penal Code read with section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. The applicant earlier preferred Criminal Application (BA) 995/2020 and withdrew the same when this Court expressed its disinclination to allow the bail application. However, the accused was granted liberty to approach this Court again after six months, should there be no substantial progress in the trial.

3. The order rejecting the earlier application was passed on 16.12.2020. This application is moved on the ground that there is no substantial progress in the trial.

4. I have perused the order-sheet of the trial court. It does not appear that the order dated 16.12.2020 was brought to the notice of the trial court. That apart, no fault can be found with the trial court in not making significant progress inasmuch as at times the accused was not produced and on certain occasions the counsel for the accused remained absent. Covid-19 Standard Operating Procedure (SOP) was in place which required the Court to take only extremely urgent matters. Despite the odds, the learned trial court has framed charge vide order dated 08.09.2021. I have no reason to assume that the learned trial court shall not proceed with the trial expeditiously, as is the mandate of the POCSO Act.

5. I am not inclined to re-visit the issue of grant of bail, at this stage. The learned trial court is requested to proceed with the trial expeditiously and to conclude the same, as far as possible, within the next nine months.

6. The Court has started functioning regularly. In this view of the matter, the accused shall be entitled to approach this Court again after four months, if, despite this order, there is no progress in the trial.

7. The learned counsel for the applicant/accused shall bring this order to the notice of the trial court within the next seven days.

8. The Registry is also requested to bring this order to the notice of the Court in the next seven days.

9. The liberty to approach this Court again is conditional on the delay, if any, not being attributable to the accused.

10. The application is disposed of.

JUDGE

NSN