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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.3242 OF 2019

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sujay Gangal i/b Mr. Kuldip T. Pawar, for the Applicant.

Ms. Anamika Malhotra, A.P.P for the Respondent - State.

PSI – D. S. Salve, Mankhurd Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd FEBRUARY 2022

(THROUGH VIDEO CONFERENCING)

P.C. :

1. This is the second bail application preferred by the applicant. The first bail application preferred by the applicant was dismissed as withdrawn as the Court was not inclined to enlarge the applicant on bail. The same is reflected in the order dated 15th October 2019, passed by this Court in the applicant's first bail application being Criminal Bail Application No.1590 of 2019. However, having regard to the age of the prosecutrix i.e. 11 years, the trial of the applicant was expedited.

2. Learned Counsel for the applicant states that there is no progress, despite the trial being expedited. He submits that the applicant is HIV positive and requires medical assistance. Learned Counsel has tendered a copy of the medical case papers. The same is taken on record and copy thereof is served on the learned APP.

3. Learned APP states that till date one witness has been examined in the present case and that the prosecutrix is yet to be examined. The first order is of the year 2019 expediting the trial of the applicant on the ground of the age of the prosecutrix, who was 11 years of age, lest she forgets the incident, due to passage of time.

4. In cases where the victims are minor, POCSO Courts should atleast complete the examination of the victim/prosecutrix, as expeditiously as possible, lest the victims who are minor forget the incident, due to passage of time, giving advantage to the accused.

5. Considering that there is no progress in the trial, a report be called for from the learned Sessions Judge, Court Room No.28, Greater Mumbai, to enable the learned Judge to submit his report, as to why there has been delay in the conclusion of the trial and why the prosecutrix has not been examined till date. The said report to be submitted by the learned Judge, on or before 17th February 2022.

6. Registry to forthwith communicate the order passed today either telephonically/fax/e-mail or a Special Messenger, to the learned Sessions Judge, Court Room No.28, Greater Mumbai, who is seized of the matter, so as to enable the learned Judge to submit his report.

7. Learned APP to also submit a report on the medical condition of the applicant, on the next date.

8. Learned Counsel for the applicant to also produce the Roznama of the said case, on or before 17th February 2022 and advance copy to be served on the learned APP.

9. Stand over to 21st February 2022.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.