

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

CRIMINAL APPLICATION (BA) NO.486/2015

(Bhagwatprasad @ Sachin s/o Shivbalak Kashyap..vs.State of Maharashtra,through
PSO P. S. Saoner)

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

Court's or Judge's orders.

Ms T. Udeshi, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : OCTOBER 5, 2015.

None for the applicant even on the second call. With the assistance of learned A.P.P., I have gone through the application.

This is an application for bail. From the application, it is clear that the applicant was prosecuted for an incident, which had occurred on 23.06.1997 in Crime No.143/97 for an offence punishable under Section 302 of the IPC. The applicant faced Sessions Case No.478/97, however, the learned trial Court acquitted the applicant of the offence under Section 302 IPC and convicted him for the offence punishable under Section 304-II IPC and was directed to suffer rigorous imprisonment for five years and to pay a fine of Rs.2,000/- in default to undergo further R.I. for six months.

Against the said order, an appeal was preferred by the present applicant. The same was

registered as Criminal Appeal No.42/2001 and the said appeal was decided by this Court (Coram : P. N. Deshmukh, J.) on 20.06.2014 and dismissed the appeal. According to the applicant, therefore, the applicant is in jail and prays for his release on bail.

In my view, once the appeal of the present applicant was dismissed by this Court, the only remedy that is available to the applicant is to approach the apex Court and not by moving such an application for bail. Hence, the present application is dismissed.

JUDGE

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