

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

Criminal Application [BA] No.783 of 2014

(Dinesh Ramchandra Thakare

vs.

The State of Maharashtra, through P.S.O. Saoli,, District Chandrapur)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Mr. P.P. Patil,, Advocate for the Applicant.

Mrs. S.S. Jachak, A.P.P. for the Non-Applciant/State.

CORAM : PRASANNA B. VARALE, J.

DATE : JANUARY 7, 2015.

Heard the learned Counsel for the applicant.

This is the second attempt of the applicant seeking his enlargement on bail before this Court.

There cannot be any dispute that the applicant is entitled to approach the Court by successive bail application raising the ground of changed circumstance. Insofar as the ground raised by the learned Counsel for the applicant in the application on merit is concerned, this Court, while dealing with the earlier Bail Application No.623/2014 in an clear and unambiguous terms, arrived at a conclusion that the applicant initially misled the investigating agency and this Court further observed that the material is sufficient enough to connect the applicant with the commission of crime.

Thus, on merits, I see absolutely no reason to show any indulgence in the present application. Insofar as the other grounds raised by the learned Counsel for the applicant showing the changed circumstances are (i) the applicant is a teacher in a Ashram School in remote area; (ii) the students of the Ashram School would suffer and their academic career would be prejudiced by non-availability of the applicant as teacher in the school; (iii) the applicant is having school going children and (iv) other members in the family viz. the old aged mother and the brother of the applicant are facing health issue. Insofar as these grounds are concerned, these grounds are in the nature of emotional raised for consideration. If the applicant is a teacher and for his act, if any action is taken against him, it is the responsibility of the institute, if it is a private institute, to make alternate arrangement of another teacher and if the institute is a Government institute, needless to state that the Government can appoint another teacher or can make arrangement for the teacher so that the academic career of the students should not be prejudiced. The applicant in case of any urgency to attend his children can avail other remedy or in that event the visit of the children and the other relative can be arranged. Thus, these grounds, in my opinion, cannot be the grounds to say that there is a change in circumstance so as to enlarge the applicant on bail. This Court has in detail dealt with the material against the

present applicant. Suffice to say that there is a recovery of incriminating articles at the instance of the applicant is one of the crucial circumstances.

In view of this fact, I am of the view that the application is meritless and deserves to be rejected. Hence, the same is accordingly rejected.

JUDGE

**sdw*