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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.690 OF 2017

IN

CRIMINAL APPEAL NO.361 OF 2013

Hiraman Rama Bhoye

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Ms. Ameeta Kuttikrishnan, Advocate appointed for Applicant.

Mrs. G.P.Mulekar, APP for Respondent-State.

CORAM :- SMT. V.K. TAHILRAMANI, &

SANDEEP K. SHINDE, JJ.

DATE : 8th June, 2017.

P.C. :-

Heard both sides.

2 The case of the Applicant is that he was below 16 years of age on the date of incident. Hence, his case may be transferred to Juvenile Court and his further prayer is that he may be granted bail.

3 As far as the first prayer is concerned, the Applicant has raised this very same claim before this Court by preferring Criminal Application No.111 of 2014. In the

said application, this Court directed the Sessions Judge, Nashik to conduct an enquiry in relation to the fact whether the Applicant was juvenile in conflict with law on the date of incident. Pursuant to the said direction, enquiry was conducted and report was submitted to this Court. Report clearly shows that the Applicant was not juvenile in conflict with law. Thus, by order dated 21.7.2014 in the appeal, this Court turned down claim of the Applicant that he was juvenile in conflict with law on the date of incident. Thus, it is not possible for the Applicant to again raise very same claim before this Court. Hence, we are not inclined to consider this request.

4 As far as the prayer for bail is concerned, the Applicant had earlier preferred Criminal Application No.119 of 2015 wherein he had prayed for bail. This Court considered the evidence and by order dated 11.2.2015 rejected prayer for bail. No new circumstance has been brought on record by the Applicant to necessitate the re-consideration of the prayer for bail.

5 In view of above, this Application is rejected.

(SANDEEP K. SHINDE, J) (SMT. V.K. TAHILRAMANI, J)