

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 332 OF 2019

IN

CRIMINAL APPEAL NO. 290 OF 2017

Anil Jagannath Yadav ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Sanjeev Kadam i/by Prashant Darandale for the applicant.

Mrs. M.H. Mhatre, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : APRIL 30, 2019

P.C.:

Accused no. 2 convicted on 3/3/2017 and on bail during the trial has filed this application to point out changed circumstances. Earlier the application preferred by him vide Criminal Application No.493 of 2017 has been rejected by a reasoned order on 21/4/2017.

2. This Court therefore, on 24/4/2019 asked the Registry to place the matter before appropriate Bench. Our attention has been thereafter invited to the standing orders issued 12/4/2019 which

permit listing of subsequent bail applications before the Bench to which matters are assigned as per roster.

3. Accordingly we have heard learned counsel for the applicant and learned APP. It is apparent that we cannot find fault with the order dated 21/4/2017. The change in circumstances is a letter dated 5/10/2018 sent by Dinesh Rajaram Patil from prison to this court. He has deposed as witness in the trial against the present applicant. In the said communication, he has submitted that his deposition before the trial court was under some pressure and hence, he should be given an opportunity to disclose the truth before this Court. We need not observe more on the said request and the conduct. This Court has while passing the orders on Criminal Application No.1983 and 1984 of 2018 on 17/01/2019 already observed that such prayer or request can be considered when the appeal is taken up for final hearing.

4. The other circumstances being pressed into service are the illness of parents. The medical certificate dated 29/11/2018 shows that the father of the applicant has been diagnosed of Scar Epilepsy. The other certificate dated 19/11/2018 shows that the mother of the petitioner is taking treatment since April, 2013 for migraine associated with Vertigo.

5. We find this certificate and request also insufficient to constitute the change. Application is therefore, rejected.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)