

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

CRIMINAL APPLICATION (BA) NO.463/2019

Devkaran Hirdelal Uikey .vs. State of Maharashtra, through PSO P.S. Deori,
Dist. Gondia

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

Court's or Judge's orders.

Mr. S. Borkar, Advocate for applicant.

Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 13, 2019

At the outset, Mr. Borkar, learned counsel for applicant, would submit that this is second bail application filed on behalf of applicant before this Court.

Filing of successive bail applications can never be an impediment for applicant, however, applicant must point out change in circumstance so that prayer of applicant for releasing him on bail can be freshly considered.

Prior to filing of this application, Criminal Application (BA) No.863/2017 was filed by the present applicant before this Court. The application was considered on its merit by this Court. Applicant was arrested in connection with Crime No. 49/2017, registered with Police Station, Deori, Dist. Gondia for an offence punishable under Section 376 (2) (i), 363, 366 (a) and Section 506 of the Indian Penal Code and Sections 4, 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.

After hearing learned counsel for applicant in Criminal Application No.863/2017 on 07.09.2017, this Court found that applicant has committed sexual assault on minor girl and after considering charge-sheet, application was rejected.

It is the submission of learned counsel for applicant that after rejection of his application on 07.09.2017, applicant again approached before the Court below by filing an application for bail. Learned Additional Sessions Judge, Gondia, on 26.12.2018 rejected the said application and therefore the present application is filed.

After hearing Mr. Borkar, learned counsel for applicant, it is clear that after rejection of application filed on behalf of applicant on its own merit on 07.09.2017, there is no change in circumstance. Consequently, Court need not to ascribe any further reasons for rejecting the application filed on behalf of present applicant since the reasons for rejecting the application on merit are already detailed in the order passed by this Court on 07.09.2017.

Consequently, the application is rejected.

JUDGE