

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

CRIMINAL APPLICATION (BA) NO. 654 OF 2019

Bhojraj S/o Paikuji Wakodikar
..VS..
State of Maharashtra

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

Court's or Judge's orders

Shri S.K. Bhandarkar, Adv. for the applicant
Mrs. G.R. Tiwari, A.P.P. for non-applicant.

CORAM : M.G. GIRATKAR, J.
DATED : 7th October, 2019

This is second bail application moved by the applicant/accused to release him on bail.

Heard learned Advocate Shri S.K. Bhandarkar for the applicant. He has submitted that the first bail application came to be rejected by this Court on 11.12.2018. Learned Advocate has submitted that the trial is not expedited by the Trial Court. Learned Advocate has pointed out that the First Information Report was lodged on 28.07.2018 whereas the incident took place on 11.09.2017.

Learned Advocate has submitted that there is doubt about the cause of death of the deceased. The applicant cannot be held responsible.

Heard learned Additional Public Prosecutor AGP Mrs. G.R. Tiwari for the non-applicant/state. She has submitted that the first bail application came to be rejected by this Court on merit. There is no change in the circumstances, therefore, this bail application is not tenable and is liable to be rejected.

This Court has rejected earlier bail application on 11.12.2018 on merit. There is no change in the circumstances. The delay in lodging the First Information Report can be pointed out to the trial Court during the trial. Moreover, in the report itself, specific reasons are given for lodging the report. It is stated that after the receipt of the post-mortem report, it was revealed that the deceased was killed by pressing her nostril and mouth. She died due to asphyxia and, hence, the delay is explained in the report itself. The accused/applicant can point out the order dated 11.12.2018 to the Trial Court to expedite the trial. Hence, there is no change in the circumstances.

Accordingly, this application is not tenable and, therefore, the bail application is **rejected**.

JUDGE