

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

CRIMINAL APPLICATION (BA) NO.149 OF 2020

(Mukesh Dhyandeo Rathod Vs. The State of Maharashtra thr. PSO PS Khadan, Dist.
Akola)

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

Court's or Judge's orders.

Shri Mir Nagman Ali, Advocate for Applicant.
Shri M.J. Khan, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 16th MARCH, 2020.

The applicant is seeking bail in Crime 33/2018 registered with Khadan Police Station, Akola for offences punishable under Section 366, 366A, 368, 370, 370A, 376, 120B, 465, 471 of the Indian Penal Code read with Section 3, 4, 5L of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act').

2] At the very outset, the learned counsel for the applicant Shri M.N. Ali fairly points out that the earlier bail application was withdrawn on 03.04.2019 without liberty. However, Shri M.N. Ali would submit that the subsequent event which is that co-accused Lata Ingale was granted bail by this Court on 23.04.2019 would be a change in circumstances as would entitle the applicant to move successive application.

3] It is difficult to appreciate the submission of the learned counsel Shri M.N. Ali.

4] The role attributed to the present applicant and that to the co-accused who is released on bail by this Court is entirely different. Perusal of the material in the charge-sheet would reveal that the applicant Mukesh Rathod played an active role, along with co-accused Rita Shirsat, Sanjay Ingle, Dnyaneshwar Shirsat, Chanda Rathod and Kaluram and his wife in selling the victim to one Vishnu Porwal for Rs.1 lakh. The role which is attributed to the co-accused who is released on bail is entirely different and is restricted to introducing the victim to the main accused and telling the victim that after her marriage is fixed the victim would be expected to run away from the matrimonial home with the gold and the cash. If the version of the victim is seen, the co-accused who is released has not played any direct role in the sale of the victim to Vishnu Porwal.

5] This application is therefore, not maintainable since there is no change in circumstances. Even otherwise, considering the material on record and the gravity of the accusation, the applicant is not entitled to bail.

6] The application is dismissed.

JUDGE