

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

CRIMINAL APPEAL NO.132 OF 2020
WITH
LD-VC CRIMINAL APPLICATION (APPA) NO.209 OF 2020

Gudiya Ganesh Shahu, Pawanpurta Nagar, Digori, Nagpur (In Jail)

-vs-

State of Maharashtra, Thr. PSO, PS Hudkeshwar, Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Rohit Joshi, Advocate for appellant/applicant.
Smt Ketki Joshi, Additional Public Prosecutor for respondent
No.1/State.
Shri R. M. Daga, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR AND ANIL S. KILOR, JJ.
DATE : JUNE 30, 2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

The appellant takes exception to the order dated 29/01/2020 passed by the learned Sessions Judge, Nagpur thereby rejecting the application that was moved by the appellant for her release on bail.

We have heard Shri R. Joshi, learned counsel for the appellant, Smt K. Joshi, learned Additional Public Prosecutor for respondent No.1/State and Shri R. M. Daga, learned counsel for respondent No.2.

At the outset it may be noted that on 26/07/2018

Criminal Appeal No.403/2018 that was moved by the appellant challenging the order rejecting the application for grant of bail came to be dismissed. In that order it was prima facie observed by this Court that considering the circumstances and material on record the possible involvement of the appellant could not be ruled out. The fact that the appellant at that point of time was pregnant was also noted. This Court also noted that the trial had commenced before the Sessions Court.

Though Shri R. Joshi, learned counsel for the appellant seeks to contend that accused No.1 and not the present appellant had inflicted fatal injuries on the deceased, in the light of the earlier order of this Court in the aforesaid criminal appeal it would not be permissible for us to again reappreciate the entire material on record which this Court had done on the earlier occasion while refusing to enlarge the appellant on bail. In so far as the submission that the appellant's minor child is required to stay with the appellant in jail and is not being provided proper care, it may be noted that in the affidavit in reply filed by the Jail Authorities a categorical statement has been made that all proper care and medical facilities are being made available to the child. We also do not find any material change in circumstances.

In that view of the matter, we are not inclined to consider the appeal favourably. Needless to state that we have only take a prima facie view of the matter while

holding against the appellant.

The appeal is accordingly dismissed.

Criminal Application is also disposed of.

This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE