

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

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 861 of 2020)

*[Prashant s/o Prabhakar Borade Vs. State of Maharashtra through P.S.O. Warud,
Dist. Amravati]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. M. Jaltare, Advocate for the applicant
Smt. S. S. Jachak, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 10/08/2020

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

2. Heard learned Advocate Shri Jaltare for the applicant. He has submitted that as per the order of this Court dated 15-1-2020, the trial is not commenced. Learned Advocate has submitted that earlier application moved by the applicant was not considered on merit. Looking to the spread of Covid-19, the applicant is entitled for bail.

3. Heard Smt. Jachak, learned Additional Public Prosecutor. She has submitted that as per order of this Court dated 15-1-2020, one year is yet to be completed and therefore, this application is not tenable.

4. From the perusal of order of this Court dated 15-1-2020 in Criminal Application (BA) No. 1178/2019, it appears that when this Court was about to dismiss the application on merit, learned counsel for the applicant

sought leave to withdraw the application. Specific direction was given by this Court directing the trial Court to decide the trial as expeditiously as possible and not later than one year from the date of receipt of the order of this Court.

5. Learned Advocate for the applicant has submitted that medical ground is not considered by this Court. It is pertinent to note that the order of this Court is very specific. Material observations of this Court are reproduced below.

“After considering the submissions of learned counsel for the parties and after perusing the prosecution case, when the Court was about to dismiss the application, Mr. Ali, learned counsel for applicant, submits that he wishes to withdraw the present application.”

It is clear that this Court has heard the parties at length and after perusing the record, this Court was about to dismiss the application, at that time, counsel for the applicant sought permission to withdraw the application. As per the directions of this Court, from the date of order dated 15-1-2020, one year is yet to be completed and therefore, the present application is not tenable.

6. Ground of Covid-19 is not acceptable because all precautions are taken by the jail authorities for the inmates of jail. The medical facilities in Government

Medical College and Indira Gandhi Medical College at Nagpur are available. Therefore, the application is not tenable and is, accordingly, rejected.

7. 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

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