

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

CRIMINAL APPLICATION (BA) NO.501 OF 2020

(Ramesh s/o Munnilal Baghel Vs. The State of Maharashtra thr. PSO PS Kalmana,
Nagpur)

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

Court's or Judge's orders.

Mrs. Sunita Kulkarni, Advocate for Applicant.
Mrs. S.S. Jachak, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 5th OCTOBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] This application is a gross abuse of the process of law.

3] The previous application for bail was dismissed by this Court (Coram: V.M. Deshpande, J.) vide order dated 28.11.2019 which reads thus:

Heard Mr. Rai, learned counsel for applicant and Mr. Jawade, learned A.P.P. for non-applicant-State. Also perused entire charge-sheet placed on record.

Applicant is accused of committing murder of Chandan alias Kalu. The post mortem report of deceased shows that he was

brutally done to death. There are 35 wounds on body of deceased i.e. stab, incised and chop wounds, which clearly shows that sharp weapon was used.

When the Court was about to dismiss the application, learned counsel for applicant submits that he wishes to withdraw the application.

The application is dismissed as withdrawn. Since learned counsel is withdrawing the application, this Court is not giving detailed reasons for dismissal of the application.

4] Although it is mentioned in paragraph 4 that previously an application was preferred, the only statement is that the application was withdrawn and it is not disclosed that the application was withdrawn since this Court was about to dismiss the application.

5] The learned counsel was asked as to what are the changes in circumstances, if any warranting a review of the earlier view. The learned counsel answered that bail is claimed on the ground of parity since co-accused is released on bail. Be it noted that the fact that the accused 4 Amar is granted bail by the Sessions Court cannot be a ground to approach this Court for bail, since this Court has already considered the entitlement of the applicant to bail and was about to dismiss the application when the same was withdrawn. It is not clear whether the earlier order passed in the case of the applicant was brought to the notice of the

learned Sessions Judge who granted bail to co-accused Amar. In any event, in view of the earlier order which recorded that this Court was about to dismiss the application and it was only thereafter that the same was withdrawn, it would not be possible to exercise discretion in favour of the applicant.

6] The application is dismissed.

JUDGE