

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

CRI. APPLICATION (BA) NO. 958 OF 2019

(RAJKUMAR BODHIRAM SHENDRE ...VS.. STATE OF MAH. THR. PSO PS DHANTOLI, NAGPUR)

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

Court's or Judge's orders

Ms D.I.Charlewar, Advocate for Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ, J.
DATED : MAY 15, 2020.

Heard.

By this application under Section 439 of the Code of Criminal Procedure, the applicant seeks directions to the non-applicant to release him on bail. The matter has a chequered history. Earlier crime was registered against Sheela Gudadhe (mother) and Manoj Gudadhe (son) for the offences punishable under Sections 302, 201, 294 read with Section 34 of the Indian Penal Code. In this matter the accused i.e. Sheela and Manoj came to be acquitted by the Sessions Court. In appeal filed by the State, Division Bench of this Court maintained the acquittal recording that the investigation was not true and proper. While disposing the Criminal Appeal, the Division Bench of this Court directed the State to cause further investigation in the matter and to file charge-sheet against some persons including the present applicant. The judgment delivered by the Division Bench of this Court was challenged by Arun (present co-accused) before the Hon'ble Supreme Court of India. However, the challenge failed. Now the charge-sheet is filed against 5 accused including the applicant.

Considering the facts of the case, I am not inclined to consider the prayer of the applicant.

Hence, the Criminal Application is **dismissed**.

However, the applicant will be at liberty to move appropriate authority for benefit of the circular alleged to have been issued as per the decision of the High Power Committee of this Court dated 11th May 2020 dealing with the issue of release of the prisoners in view of the present pandemic situation.

JUDGE

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