

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1578 OF 2020

Amol @ Avikumar Dhondiram Dhule Applicant
Versus
The State of Maharashtra Respondent

.....
WITH
INTERIM APPLICATION NO.628 OF 2021

Mr. Vijendra Kumar Rai, Advocate for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.
Mr. Vikram R. Sutaria, Advocate for the Intervenor.

CORAM :SARANG V. KOTWAL, J.

DATE : 05th APRIL, 2021

P.C. :

1. The Applicant had earlier approached this Court for his release on bail vide Criminal Bail Application (Stamp) No.1614/2020. This Court had passed the following order on 11.9.2020:

- “1. After arguing for some time when I expressed my disinclination to grant relief, learned counsel for the Applicant prays for withdrawal of the application with liberty to approach this Court again for the same relief after a reasonable time.
2. Considering his request, his application is allowed to be withdrawn. The Applicant is permitted to approach this Court again for relief of bail in case his trial does not begin

before 31/05/2021.

3. In case of changed circumstances the Applicant is at liberty to approach this Court even before that day. In the aforesaid terms the application is disposed of.
4. Interim application does not survive and is disposed of.”

2. It was clearly mentioned in that order that the Applicant was permitted to approach this Court again for the relief of bail in case his trial does not begin before 31.5.2021. Instead of waiting for that period to get over, the Applicant directly approached the Court of Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai for his release on bail.

3. Learned Counsel for the intervenor submitted that the Applicant has suppressed this order from the Court of Metropolitan Magistrate.

4. I have perused the order passed by the learned Magistrate in Bail Application No.210/BA/2020 dated 5.12.2020. In that application, there is no reference that the Applicant had pointed out the order passed by this Court to the learned Judge. Instead, the matter was again fully argued on merits. This is nothing but suppression of

material facts from the Court. It is another matter that the learned Magistrate has also rejected the matter on merits.

5. Even today, when learned Counsel for the Applicant started arguing the matter he submitted that he has preferred this application on medical grounds. In the entire memo from grounds (A) to (L), there is not a single ground regarding his medical condition. All the grounds are taken in respect of merits of the case.

6. This is nothing but abuse of process of law and, therefore, I am not inclined to entertain this application. The Application is dismissed. The practice adopted by the Applicant is strongly deprecated. However, on humanitarian grounds, the Applicant is granted liberty to prefer appropriate proceedings in case of medical emergency. The jail authorities shall provide all the necessary medical facilities to the Applicant.

(SARANG V. KOTWAL, J.)

Deshmane (PS)