

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

CRIMINAL APPLICATION (BA) NO. 66 OF 2021

Mangal @ Sajan s/o Bhimrao Bagade

vs.

State of Maharashtra through PSO, PS Parseoni, Dist. Nagpur

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

Court's or Judge's Orders.

Mr. N. H. Samudre, Advocate for the applicant.
Mr. A. M. Kadukar, APP for respondent State.

CORAM : MANISH PITALE J.

DATE : 10th JUNE, 2021

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

2. This is the third bail application filed on behalf of the applicant for grant of bail in connection with FIR No.0085 dated 17/03/2018, registered for offence under Section 302 of the IPC, at Police Station, Parseoni, District Nagpur.

3. The learned counsel appearing for the applicant fairly brought to the notice of this Court that the first bail application i.e. Criminal Application (BA) No.946 of 2018 was rejected by order dated 30/10/2018. It was also brought to the notice of this Court, that the second bail application claiming bail on medical ground was also rejected by order dated 25/09/2019 passed in Criminal Application (BA) No.865 of 2019.

4. The learned counsel for the applicant submitted that the applicant has been behind bars for more than three years and that trial is not proceeding in an expeditious manner. It was submitted that since there was relationship between the applicant and the deceased, this Court may consider enlarging the applicant on bail.

5. The learned APP opposed the prayer made in the present application and submitted that there was no change in circumstances after first bail application of the applicant was rejected by this Court on merits by the aforesaid order dated 30/10/2018.

6. It is relevant that when the first bail application i.e. Criminal Application (BA) No.946 of

2018 was rejected by order dated 30/10/2018, the investigation was already completed and charge-sheet was also filed. This Court while considering the case of the applicant on the question of bail on merits had observed as follows :-

"From the perusal of charge-sheet, it reveals that the applicant had one sided love affairs with the deceased. Deceased was in service in WCL. He was always teasing and chasing her. On the day of incident, she was going along with her mother/complainant. Accused gave dash to the scooty driven by the deceased. Mother and deceased fell down. Immediately this applicant gave several stabs of knife on the person of deceased. Complainant herself is an eye witness. There are other two eye witnesses who have seen the accused while committing the crime. Their statements, at this stage, cannot be discarded only because their names are not stated in the report. FIR itself indicates that it is first information to the police. It is not complete encyclopedia. Even report can be given on phone. This does not mean that each and everything should be stated before the police while lodging the report. During the investigation, it is the duty of Investigating Officer to collect the evidence. Statements of other eye witnesses cannot not be discarded at this stage only on the ground that their names are not stated in the FIR lodged by the complainant. There is prima facie evidence against the applicant.

Hence, the application is rejected."

7. Perusal of the above quoted portion of the said order passed by this Court shows that the material on record was considered in detail and it was found that the applicant had failed to make out any case for grant of bail.

8. The subsequent application for bail filed on medical grounds also stood rejected on 25/09/2019. It is a clear position on facts in the present case that there is no change in circumstance after 30/10/2018, when the first bail application was rejected on merits and therefore, this Court is not inclined to consider the prayer made in the present application for grant of bail.

9. At this stage, the learned counsel for the applicant submitted that the trial Court should be directed to complete the trial expeditiously. In view of the fact that the applicant was arrested as far back on 17/03/2018, the trial Court is directed to make an endeavor to complete the trial and render judgment as expeditiously as possible.

10. Application stands dismissed.

JUDGE