

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

CRIMINAL APPLICATION (BA) NO. 287 OF 2021

Shubham Jadhav Vs. The State of Maharashtra Through P.S.O. Washim
City

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

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for the applicant
Ms. T.H. Udeshi, APP for the non-applicant State

CORAM : V.M.DESHPANDE, J.

DATE : 7th DECEMBER, 2021.

Heard Shri M.N. Ali, learned counsel for the applicant and Ms. T.H. Udeshi, learned Additional Public Prosecutor for the non-applicant / State. This is a second attempt on the part of the applicant to get himself released from jail. The applicant is arrested in Crime No. 246/2019, registered with Police Station Washim (City) for the offences punishable under Sections 394, 395, 212 & 120-B of the Indian Penal Code.

2. After completion of the investigation and after the Challan was presented the applicant approached to the Trial Court seeking release from jail by filing application under Section 439 of the Code of Criminal Procedure and the said was rejected. The applicant thereafter approached to this Court by filing Criminal Application (BA) No.1020/2019 and sought bail. The said application was listed before me only on

20/12/2019. After hearing the learned counsel for the applicant, who was appearing at that time and after hearing the learned Additional Public Prosecutor and after perusing the charge-sheet, as I was of the view that the applicant has committed an offence i.e. looting the citizens on a public road in broad day light when the complainant and his security guard were going to the Bank to deposit the amount of Rs.9,60,627/-. The test identification parade was also held and the applicant was identified by the complainant. Considering this fact, I rejected the application.

3. It appears that after rejection of the application, the applicant has not approached to the Hon'ble Apex Court seeking the relief of bail.

4. There is no change in circumstance. The learned counsel for the applicant submitted that while dismissing his earlier bail application, the statement of the learned Additional Public Prosecutor, who was incharge of the earlier bail application was recorded by the Court that the prosecution is taking steps for cancellation of bail granted to the co-accused by the learned Trial Court. As on today, no such steps are taken. That is the only reason why the applicant is filing this application.

i. Firstly, I deprecate the practice that change of the Advocate and then tried to make fresh attempt.

ii. Further it is a choice of the prosecution as to file the application for cancellation of bail or not.

iii. The Court has rejected the bail application on earlier occasion considering the merits of the prosecution case.

5. No case is made out.

6. Accordingly, the application is rejected and disposed of.

JUDGE

MP Deshpande