

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

CRIMINAL APPLICATION (BA) NO.391 OF 2021

(Shailendra s/o Khushalrao Thool Vs. State of Maharashtra thr. PSO PS Wardha
(City), Tah. & Dist. Wardha)

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

Court's or Judge's orders.

Mr. M.V. Rai, Advocate for Applicant.
Mr. N.S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 18th JUNE, 2021.

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

2. This application is an abuse of the process of law.

3. After I rejected the bail on merits, another attempt was made vide Criminal Bail Application 89/2021 and while deciding the successive bail application this Court (Coram: Mrs. Swapna Joshi, J.) observed that the applicant is at liberty to apply for bail afresh if the trial does not proceed till the end of April, 2021.

4. Without even waiting for the said period to expire, the applicant tried his luck before the trial court albeit seeking a temporary bail, which application came to be rejected vide order dated 25.03.2021.

5. This Court was pleased to direct, vide order dated 29.10.2020, that the trial be concluded within six months of resumption of the normal functioning of the Court. The Special POCSO Judge has noted in the order dated 25.03.2021 that the applicant sought adjournment stating that his bail application is pending. It is apparent, that the applicant – accused is not co-operating with the Special POCSO Judge in expeditious disposal of the trial.

6. In this view of the matter, the liberty granted to the applicant – accused to approach the learned trial court for bail afresh is revoked.

7. The accused is not entitled to bail, since the earlier bail is rejected on merit and there is absolutely no circumstance which warrants a re-look at his entitlement to bail in as much as the direction issued by this Court that the trial expeditiously concluded within six months of resumption of the normal functioning is frustrated due to the unreasonable insistence of the accused that the trial be adjourned since his bail application is pending.

8. The application is dismissed.

JUDGE