

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

**CRIMINAL APPLICATION (BA) NO.479 OF 2021**

(Dipak s/o Shankarlal Kumlele Vs. State of Maharashtra thr. PSO PS Paratwada, Tq.  
Achalpur, Dist. Amravati)

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

*Court's or Judge's orders.*

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Mr. K.R. Trivedi, Advocate for Applicant.  
Mr. N.S. Rao, APP for Non-Applicant/State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 29<sup>th</sup> JUNE, 2021.**

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

2. This successive bail application brings to the fore the unabated trend of attempts to bench hunt.

3. The applicant is facing prosecution under Section 302 of the Indian Penal Code vide Crime 401/2018 registered with Police Station, Paratwada.

4. This Court rejected the application seeking bail, by an elaborate and reasoned order dated 09.03.2020.

5. While rejecting the application seeking bail, this Court noted that the deceased was brutally murdered and

that the *chopper* used for the commission of the offence is recovered at the behest of the applicant. This Court further noted that the clothes of the applicant which were recovered pursuant to the memorandum under Section 27 of the Indian Evidence Act were blood stained and the blood group matched the blood group of the deceased. The blood stains on the *chopper* recovered at the behest of the applicant also matched the blood group of the deceased. It is also noted that apart from the statement of witnesses, the prosecution is relying on extra judicial confession.

6. It appears that undeterred by the rejection on merit the applicant made another attempt to seek bail. Since the learned Judge before whom the application was listed, directed that this application be placed before the same Judge who rejected the earlier bail, the application is being decided by me.

7. In the entire application, there is not even an attempt to justify preferring the successive bail application. Nothing is mentioned in the application as to the change, if any, in the circumstances as would warrant having a second look at the entitlement of the applicant to bail.

8. I am satisfied, that this application is gross abuse of the process of law.

9. The application is dismissed with costs of Rs.10,000/-.

10. The Registry shall bring this order to the notice of the learned Sessions Judge, Amravati.

11. The costs shall be deposited with the High Court Legal Services Sub-Committee, Nagpur with the next fifteen days, and in default, the Collector, Amravati shall recover the same as arrears of land revenue.

12. The application is dismissed.

**JUDGE**