

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

Criminal Appeal No.391 of 2021

Nivrutti Dnyandeo Sabe (In Jail)

Versus

The State of Maharashtra

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or
Judge's orders
and Registrar's order

Shri T.M. Husain, Advocate for Appellant.

Shri T.A. Mirza, APP for Respondent.

**CORAM : V.M. DESHPANDE &
AMIT B. BORKAR, JJ.**

DATE : 30th SEPTEMBER, 2021

1. By this appeal filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant is challenging the order dated 16-2-2021 passed by the learned Special Judge, Khamgaon, District Buldana, in Special Case No.39 of 2020.

2. The learned counsel for the appellant has invited our attention to the order passed by this Court dated 9-3-2021. The operative part of the order passed by this Court reads as under :

“5. We therefore pass the following order :

I] The appellant is permitted to withdraw the appeal.

ii] The learned Special Judge, Khamgaon, District Buldana is directed to conclude the decide Special Case

No.39/2020 on or before 31.07.2021.”

3. Relying on the aforesaid order, it is the submission of the learned counsel for the appellant that the learned Special Judge, Khamgaon, District Buldana, has not concluded the Special Case on or before 31-7-2021 and that by itself entitled the appellant for being released on bail.

4. We find that the submission of the learned counsel for the appellant is devoid of substance. Unless there is specific liberty granted by this Court to the accused to file application for bail afresh in case the trial is not concluded or unless there is material change in circumstances, in that case only, the accused is entitled to file fresh application for bail.

5. In the facts of the present case, the record does not disclose any change in circumstances, except the change of Advocate. The change of Advocate is not a change in circumstances, which entitles the accused for being released on bail. The appeal of the accused, bearing Criminal Appeal No.120 of 2021, was dismissed by this Court on 9-3-2021 and, therefore, without there being any change in circumstances, the impugned order passed by the learned Special Judge, Khamgaon, District Buldana, in Special Case No.39 of 2020, was fully justified.

6. There is no merit in the appeal and the same is dismissed.

(AMIT B. BORKAR, J.)

(V.M. DESHPANDE, J.)