

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

**CRIMINAL APPLICATION (BA) NO.1182 OF 2021**

(Tushar s/o Prabhakar Rao Badalamwar Vs. The State of Maharashtra thr. PSO PS  
Ramnagar, Dist. Wardha)

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

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

**DATE: 8<sup>th</sup> DECEMBER, 2021.**

This Court passed the following order  
on 02.12.2021:

*I am prima facie satisfied that this  
application is a gross abuse of the process of  
law.*

*2. This application purports to be under  
Section 439 of the Criminal Procedure Code,  
1973 and seeks bail in connection with  
Crime 466/2019 registered at Ramnagar  
Police Station, District Wardha for offences  
punishable under Sections 143, 144, 147,  
148, 149 and 307 of the Indian Penal Code.*

*3. The first bail application preferred by  
the applicant before this Court came to be  
rejected by this Court (Coram : Vinay Joshi,  
J.) vide an elaborate reasoned order dated  
24-8-2020.*

*4. Undeterred, the applicant preferred  
second Criminal Application (BA)  
1271/2020 which came to be rejected vide  
order dated 01-9-2021.*

5. *While rejecting the second bail application vide order dated 01-9-2021, this Court directed the trial Court to dispose of the trial within six months from the date of the order and if the trial is not disposed of within six months, granted liberty to the applicant to revive the prayer for bail in this Court.*

6. *This Court has come across several matters in which the liberty granted by this Court to apply for bail afresh is misused. The modus operandi is that the order passed by this Court is not brought to the notice of the trial Court by the accused. I have noticed in more than one matters that the trial Court was not even aware of the directions issued by the High Court. In some cases, a writ did go to the trial Court, but then after two months and in some cases even thereafter.*

7. *I note from the application that there is no statement that the applicant placed on record before the trial Court the copy of the order dated 01-9-2021.*

8. *In this view of the matter, list this application on 08-12-2021.*

9. *An affidavit shall be filed on record by a responsible person who has verified the record of the trial Court clarifying whether the applicant-accused or his Counsel placed on record of the trial Court the order dated 01-9-2020.*

2. Today, Mr. Tiwari fairly states that the order dated 01.09.2021 which directed the trial court to dispose of the trial within six months and granted liberty to revive the prayer for bail, if the trial is not concluded, was not brought to the notice of the trial court.

3. In this view of the matter, Mr. Tiwari seeks leave to withdraw the application with liberty to revive the prayer for bail, if the trial is not concluded within period of six months from the date on which the order dated 01.09.2021 is brought to the notice of the trial court.

4. The application is disposed of as withdrawn with liberty as prayed.

**JUDGE**

NSN