

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.902 OF 2022

Rajendra Dattatray Bhinge ...Applicant

VS.

The State of Maharashtra & Anr. ...Respondents

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Mr. Pawan Tiwari, i/b. Shantanu Kalekar, for the Applicant.

Mr. Yogesh P. Morbale, Respondent No.2-Original Complainant.

Ms. V. Shinde, APP, for Respondent/State.

Mr. Uday Gade, Miraj Gramin Police Station, Sangli present.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 24 NOVEMBER 2022

P.C.:

This is the fourth bail application under Section 439 of Cr.P.C. filed by the aforesaid Applicant who is facing trial in Sessions Case No. 174 of 2017 before Sessions Court, Sangli for offences punishable under Sections 302, 323, 504 and 506 read with 34 of the Indian Penal Code..

2. The first Bail Application No.2518 of 2017 was withdrawn simplicitor whereas Second Bail Application No.1825 of 2018 was withdrawn when the Court had expressed that it was not a fit case for

grant of bail and the third Bail Application 158 of 2021 was rejected on merits on 30 November 2021.

3. The present application is filed mainly on the ground that the mother of the Applicant has health issues and that there is no other person to take care of her. Learned Counsel for the Applicant also states that the Applicant is in custody since 2017 and that the prosecution has cited almost 40 witnesses. Learned APP submits that the offences are of serious nature. She has, further, stated that the Applicant has criminal antecedents. She states that the charge is already framed and the endeavour will be made to examine the witnesses expeditiously.

4. The Applicant is charged for committing murder of Namdeo Bhoite. While rejecting the previous bail application, this Court had noted that said Namdeo Bhoite sustained 31 injuries in the nature of chop wounds, stab injuries and incised wounds on the vital part of the body. Finding has also been recorded that there is prima facie material to show involvement of the Applicant in committing the said crime. The earlier application having been dismissed on merits, the subsequent application can only be entertained on the ground of change in circumstances. The only ground raised by the Applicant is that his mother is suffering from serious health issues. A certificate is placed on record that the mother of the Applicant is suffering from Schizophrenia. This per se cannot be considered as a change in circumstance which would justify grant of bail, when the offence is of heinous nature. The

record also indicates that the Applicant is involved in other crimes, being Crime No.44 of 2001, Crime No.877 of 2017 and Crime No.182 of 2017 registered at Pandharpur City Police Station. Considering the above, particularly that there is no change in circumstance, I am not inclined to grant bail.

5. It is stated that the charge is already framed. Since the Applicant is in custody since 2017, learned Sessions Judge is directed to expedite the trial and in any event to conclude the trial within a period of one year.

6. Copy of the order be forwarded to the Sessions Judge, Sangli.

7. The bail application is disposed of in the above terms.

(ANUJA PRABHUDESSAI, J.)