

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

CRIMINAL APPLICATION (BA) NO.23 OF 2022

(GANESH RAMBHAU MORE...VS.. STATE OF MAH. THR. PSO PS ARNI, DIST. YAVATMAL)

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

Court's or Judge's orders

Shri J.S.Wankhede, Advocate for Applicant.
Ms Mrunal Barabde, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 17, 2022.

1. This is an application under Section 439 of the Code of Criminal Procedure for grant of pre-arrest bail in connection with Crime No.234 of 2020, registered with Police Station, Arni, District: Yavatmal for the offences punishable under Sections 302, 307, 294, 504 read with Section 34 of the Indian Penal Code.

2. The learned counsel for the applicant submits that after rejection of the earlier application he filed Special Leave Petition before the Hon'ble Supreme Court of India wherein the Hon'ble Apex Court has granted liberty to move a fresh application for grant of bail before the trial Court on framing of the charge. Accordingly, after framing of the charge the application was moved, the same was rejected. Again thereafter the applicant approached to this Court, thereupon this Court has observed that if the trial is not concluded by the end of 2021 the applicant is at liberty move fresh application. Accordingly, it is submitted that the present application is filed.

3. The learned A.P.P. strongly opposed the application and submits that while rejecting the application for grant of bail the learned trial Court has observed that the offence is very serious and in that view of the matter, the bail was rejected. She submits that this Court may not consider the case of the applicant on merit because it was rejected on two occasions.

4. It is lastly submitted that the charge was already framed and the trial is commenced and it would conclude in near future. Accordingly, she prays for rejection of the present application.

5. I have perused the Charge-sheet and the F.I.R.

6. The offence is very serious. Moreover, twice the bail applications of the applicant were rejected on merits. There is no change in circumstances. However, because the Hon'ble Supreme Court of India has granted liberty to the applicant to move application for grant of bail after framing of charge, an application was filed before the trial Court, which came to be rejected after considering the seriousness of the offence.

7. Considering the fact that the charge has already been framed and the trial has commenced, there is every possibility that in near future the trial will be concluded.

8. In that view of the matter, I am not inclined to grant bail. The Criminal Application is therefore, **rejected**.

JUDGE

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