

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

CRIMINAL APPLICATION (BA) NO. 533 OF 2022

Nishant Ramesh Batho **Versus** State of Maharashtra

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

Court's or Judge's Order

Shri A.S.Dhore, Advocate for the applicant.

Shri V.A. Thakre, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.
DATED : 13/07/2022.

1. The applicant is seeking bail in connection with Crime No. 437/2020, registered with Police Station, Tahsil Nagpur, for the offences punishable under Sections 304-B, 498-A of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act .

2. Shri A.S.Dhore, learned counsel for the applicant submits that the applicant is falsely implicated in the alleged offence. He submits that charge-sheet has already been filed, thus the custody of the applicant is no more required.

3. Moreover, his mother and sisters are facing health problem and there is nobody to look after them. Accordingly, he prays for grant of bail.

4. On the other hand, Shri V.A.Thakre, learned APP strongly opposes the present application and submits that, first application was withdrawn by the applicant on

expressing disinclination by this Court to grant bail. He submits that there are no change in circumstances, as such, he prays for rejection of the present application.

5. On a specific query put to the learned counsel for the applicant that, what are the change in circumstances after withdrawal of the first application on 07/01/2021, he submits that, even after laps of one and half year, the trial is not yet commenced and the documents regarding the illness of the mother and sister, were not pointed out at the relevant time, when the application was withdrawn.

6. I have perused the Charge-sheet, Application and the Reply filed by the State.

7. On 07/01/2021, the learned counsel for the applicant withdrew the first application filed before this Court on expressing disinclination by this Court to grant bail and thereafter again he approached before this Court vide Criminal Application (BA) No. 745/2021 and again he withdrew that application on 14/12/2021. His request to expedite the trial was also not granted by this Court.

8. Thus, in absence of any change in circumstances, after the two bail applications were rejected by this Court, I am not inclined to grant bail to the applicant. However, considering the fact that after withdrawal of the first application, the period of more than one year was lapsed, I am of the opinion that the trial needs to be expedited. Accordingly, I pass the following order.

- a) The criminal application is **rejected**.
- b) The learned trial Court is requested to expedite the trial. In case there is no substantiate progress in trial in next one year, the applicant is granted liberty to apply fresh for grant of bail before the learned trial Court.

[ANIL S. KILOR, J.]