

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

Criminal Application (BA) No.658/2022

Fakira @ Bhagyawan Deshmukh (Suryavanshi) V State of Maharashtra thr PSO PS
 Andhera, Tq.Deulgaon Raja, Buldhana and another

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri R. Karode, Advocate for applicant.
 Shri T.A. Mirza, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 24-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0411/2021 dated 10-12-2021 registered with Police Station Andhera, District Buldhana for the offences punishable under Sections 376(2)(n), 376-D, 506(2) read with Section 34 of the Indian Penal Code.

2. The learned Advocate for the applicant fairly submits that earlier he was moved bail application for grant of bail, but the same was withdrawn by him as this Court was not inclined to grant bail. However, thereafter, there is change in circumstance as the applicant is suffering from skin disease and, therefore, now in the light of that change in circumstance, he is seeking grant of bail.

3. On the other hand, learned APP strongly opposed the prayer on the ground that the Jail Authorities are there to take care of the applicant and they will provide necessary medical treatment to the applicant. He, therefore, submits that this cannot be considered as change in circumstance.

4. In the light of the fact that as the earlier bail application was withdrawn by the learned Advocate for the applicant after the Court expressed its disinclination to grant bail, there is no change in circumstance. Moreover, as far as the ailment of the applicant is concerned, the Jail Authorities will provide necessary medical treatment to the applicant. In that view of the matter, I am not inclined to grant bail to the applicant.

5. Hence, I pass the following order:-

ORDER

Application is rejected.

(Anil S. Kilor, J.)