

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

Criminal Application (ABA) No. 447 of 2022

Rajesh S/o Vasant Rao Rainchwar

Versus

The State of Maharashtra, through Police Station Officer,
Police Station Saoli, Tq. Saoli, District Chandrapur

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.Sonare, Advocate for the applicant.

Shri S.D.Sirpurkar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 6th SEPTEMBER, 2022.

Shri Sirpurkar, learned Additional Public Prosecutor has pointed out that on 7th March, 2022, this Court has rejected the application of the applicant for grant of anticipatory bail and within two and half months the present application came to be filed, though, there are no change of circumstances.

2. Shri Sonare, learned counsel for the applicant failed to point out any change in circumstances or that, additional material which was not pointed out at the time of rejection of first application, is now produced alongwith the present application. In the circumstances, in absence of any change in circumstances or additional material, I am not inclined to grant pre-arrest bail to the applicant. Accordingly, it is rejected.

3. At this stage, it is necessary to record that in the reply filed to the present application, there is no mention about the rejection of first application of the applicant for grant of pre-arrest bail. Even after filing of the reply, this application was adjourned from time to time for taking certain instructions from the Investigation Officer and it was atleast adjourned for more than ten occasions.

4. It appears that Investigating Officer has never pointed out this fact to the learned Additional Public Prosecutor and while Shri Sirpurkar, learned Additional Public Prosecutor was going through the case diary of Investigating Officer, today, he noticed the order dated 7th March, 2022. This is *prima facie* a serious lapse on the part of the Investigating Officer, in not disclosing the said fact to the learned Additional Public Prosecutor or not mentioning it in the reply.

5. In the circumstances, Superintendent of Police, Chandrapur is directed to call explanation from the Investigating Officer and submit a report to this Court within three weeks.

6. Registry is requested to communicate this order to the Superintendent of Police, Chandrapur, forth with.

7. Place this matter **after three weeks**.

[ANIL S. KILOR, J.]