

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.226 OF 2023

Uday @ Umakant Sitaram Mhatre .. Applicant
Versus
The State of Maharashtra & Anr. .. Respondents

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Ms.Anjali Patil for the Applicant.

Mr.Y.M.Nakhwa, A.P.P. for the State/Respondent.

WPSI R. Narsinghe, attached to Kapurbawdi Police Station,
Thane, present.

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CORAM: BHARATI DANGRE, J.
DATED : 31st OCTOBER, 2023

P.C:-

1. On 19/07/2022, the bail application filed by the Applicant was withdrawn, when I expressed my disinclination to entertain the same, in the wake of the material compiled in the charge-sheet against him.

After expiry of period of one year, once again the application is moved on the ground that Ashok Dhondiram Gaikwad, the step grand-father of the victim girl, against whom she lodged a report, alleging sexual abuse and which resulted in invoking the offences under the Protection of Children from Sexual Offences Act, 2012, he came to be released on bail by this Court on 16/12/2022.

I fail to understand, how this amount to change in circumstances, since Ashok Gaikwad is not a co-accused in the present C.R., but he face accusations in a completely distinct case, which has distinct facts.

2. When on an earlier occasion, the application was heard, I had perused the material in the charge-sheet and formed an opinion that the Applicant did not deserve bail and, hence, it was withdrawn. The second bail application is definitely not in a form of Review Petition on Review Application, where the evidence can be re-appreciated.

3. The application having been withdrawn, the Applicant has taken a calculative risk and, thereafter, on a later occasion, it is not permissible to reiterate same point, and according to Ms.Patil, the submission that the medical evidence was not supporting the case of the prosecution.

Ultimately, this is a matter of trial and, hence, on the ground of non-appreciation of the material in the charge-sheet, the application cannot be entertained on second occasion.

Hence, it is rejected.

(SMT. BHARATI DANGRE, J.)