

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2630 OF 2024
IN
CRIMINAL APPEAL NO.1261 OF 2023**

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Aasif Rafik Nadaf ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Vivek Joshi a/w Vikas Shivarkar, for the Applicant.
Smt. M. R. Tidke, APP for the Respondent/State.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th JULY, 2024

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1. This is the second time the Applicant has approached this Court for his release on bail during pendency of Appeal. On the first occasion, he had filed Interim Application No.3105 of 2023 in Criminal Appeal No.1261 of 2023.

2. The co-ordinate bench of this Court (Kishor C. Sant, J.) had heard the Applicant and had passed a reasoned order. On 14/03/2024 after the change of assignment, again this second bail application is preferred by the same learned advocate on record. There is no change in the circumstance. The learned counsel for the Applicant tried to submit that certain issues were not pointed out to the earlier bench. This cannot be a ground to file multiple

applications. It was argued fully. The learned advocate was the same and therefore, it would not be appropriate for this Court to entertain this application. However, in the interest of justice, I have heard the learned counsel for the Applicant. He submitted that on the earlier occasion, it was not pointed out to the earlier bench that the DNA report was not implicating the Applicant.

3. These arguments cannot be accepted. The matter was argued before the Court. The same advocate on record had given instructions on that occasion to the arguing advocate. It was opposed by the APP for the State and my predecessor has passed the order. Apart from that, even if the DNA report does not support that the Applicant was the father of the child that may at the highest indicate that there could be one more person involved, but that by itself does not exonerate the Applicant. The victim has clearly implicated the Applicant, who was a married man. He was her Karate teacher and he had a daughter. In spite of that taking advantage of that situation, he had committed this offence. I see no reason to take a different view from my predecessor and grant bail to the Applicant within four months from the earlier order dated 14th March, 2024.

4. The Application is rejected.

(SARANG V. KOTWAL, J.)