

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 112 OF 2015
(Regan Claimant Swami Vs. The State of Maharashtra and others)

Mr. C.K. Shinde, Advocate for the applicant
Mr. S.M. Jadhav, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 13/01/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is apprehending his arrest at the hands of Bhingar Camp Police Station, District Ahmednagar in Crime No. I-145/2014, registered for the offences punishable under section 143, 147, 148, 149, 392, 452, 324, 427, 504, 506 of the I.P. Code and under section 37 (1) (3)/135 of the Bombay Police Act, is praying for his release on bail in the event of his arrest.
3. The submissions from both sides as well as the case-papers would show that the applicant's earlier application bearing Criminal Application No. 6195/2014,

for similar relief, was allowed to be withdrawn by this Court vide order dated 3rd December, 2014.

4. Mr. C.K. Shinde, learned counsel for the applicant, submits that now one of the co-accused, namely, Smita Ashtekar is directed to be released on anticipatory bail by the learned Sessions Judge. The application of the present applicant was, however, dismissed since his earlier application filed in this Court was withdrawn, as referred above. Therefore, the learned Sessions Judge, while dismissing the application of the present applicant, has assumed that the withdrawal of the application before the High Court by the present applicant amounted to virtual rejection of the application. Mr. Shinde further submitted that the order passed by the learned Sessions Judge would show that there is change in the circumstances and the present applicant is alleged to be mere member of unlawful assembly. Hence, he submitted that the application be allowed.

5. All the above aspects were earlier considered by this Court while allowing the present applicant to

withdraw his earlier application bearing Criminal Application No. 6195/2014 and after hearing, the said application was allowed to be withdrawn. According to learned counsel for the applicant, now the change of circumstance is that the investigation is complete. However, in my view, there is no change in the circumstances. The present application is, therefore, rejected.

[M.T. JOSHI]
JUDGE

npj/criapln112-15