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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.545 OF 2015

Kuldipsing s/o Nagusing Thakur,
Age-41 years, Occ - Business,
R/o Latur, Taluka and District – Latur

APPLICANT

VERSUS

The State of Maharashtra
Through Investigation Officer,
MIDC, Latur Police Station,
District – Latur

RESPONDENT

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Mr. Nilesh. S. Ghanekar, Advocate for the applicant
Mr. M. M. Nerlikar, APP for respondent State

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[CORAM : M. T. JOSHI, J.]

RESERVED ON : 9th MARCH, 2015

PRONOUNCED ON : 12th MARCH, 2015

ORDER :

1. Heard both the sides. Perused the written notes of arguments filed on behalf of the applicant.
2. Present applicant, who is apprehending his arrest in crime No. 80 of 2014 registered with MIDC Latur Police Station for the offence punishable under sections 302, 376, 363, 120-B, 34 of the Indian Penal Code, is praying for his release on anticipatory bail in the event of his arrest.

3. The applicant has previously filed Criminal Application No. 2652 of 2014 before this Court. After hearing said application, the applicant was allowed to withdraw the same on 23rd July, 2014. At that time, learned counsel for the applicant even sought time for surrender of the applicant, however, no such time was granted. Thereafter, present application is filed.

4. Mr. Ghanekar, learned counsel for the applicant submits that there is change in circumstances. Witness Khandu, one who is cited as a witness for claiming that present applicant is involved in the crime, being seen with some other co-conspirators having conference with each other, has now made a complaint with superior police authority and even sent a letter to the Hon'ble the Chief Justice of Bombay High Court informing that in fact he has not made any such statement. It is further submitted that after filing of the charge sheet against rest of the accused persons, it was found that even the call details record of the co-accused did not match with the said statement. Further said witness Khandu has even filed a private complaint against the Investigating Officer for fabricating false evidence. It is further submitted that no CCTV footage of the place of alleged hatching of the conspiracy is collected and therefore, it is

submitted that the applicant be released on anticipatory bail.

5. Learned APP submits that there is no change of circumstances. The present applicant was earlier heard and after hearing extensively he was allowed to withdraw the application and even no time for surrender was granted. In the situation, he submits that the application be dismissed.

6. Having heard both the sides and finding that there is no change in the circumstances from the date of withdrawal of earlier application, which was allowed to be withdrawn after hearing both the sides extensively, present application cannot be allowed. The application is, therefore, dismissed.

[M. T. JOSHI, J.]