

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 1262 OF 2015

ILMUDDIN SABUDDIN LOHAR
 VERSUS
 THE STATE OF MAHARASHTRA & ANR

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 Advocate for Applicant : Mr. Katneshwarkar P. R.
 APP for Respondent Nos.1 and 2: Mr. N. B. Patil.

CORAM: T. V. NALAWADE, J.
DATED: 11th MARCH, 2015.

PER COURT:

1. The previous application of this Applicant Ilmuddin Lohar was withdrawn in this Court which was bearing No.5450 of 2013. This was done on 16th November, 2013 when this Court had expressed that the Court was not inclined to grant relief. Thus, the previous application was rejected on merits though it is shown to be disposed of as withdrawn. The learned counsel for the Applicant submitted that subsequent to the aforesaid order, in Criminal Application No.244 of 2014 other Honourable Judge of this Court granted relief of

anticipatory bail to other main accused like Revindra Savale, Mahendra Savale and Rajendra Savale. Initially he submitted that on the ground of parity the applicant is entitled to get the similar relief. This Court expressed that when the Court had already rejected the application of anticipatory bail of the present applicant by order dated 16th November, 2013 there is no question of giving the relief on the ground of party. The order of this Court was first in time and the order of this Court was not shown to the other Honourable Judge of this Court. If there is any change in the circumstance, the applicant could have argued on that. Surprisingly, learned counsel for the applicant submitted that he wants to take a chance by filing application in Sessions Court and so he wants to withdraw the application with liberty to file application in Sessions Court. Such liberty cannot be given as previous application was rejected on merits. As no change of circumstances is brought on record, the application is rejected.

[T. V. NALAWADE, J.]

Dt.11/03/2015
ans/1262