

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1427 OF 2015**

Sachin s/o Ramrao Rohamare .... **APPLICANT**

**V E R S U S**

The State of Maharashtra .... **RESPONDENT**

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Mr. P.S.Paranjape, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for R – 1 State.

Mr. N.V.Gaware, Advocate h/f

Mr. A.H.Mahajan, Advocate for first informant.

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**CORAM : V.M.DESHPANDE, J.**

**DATE : 13<sup>th</sup> APRIL, 2015**

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**PER COURT :**

1. This is a successive application for anticipatory bail filed on behalf of the present applicant. Applicant's first application for anticipatory bail was rejected by this Court on 25/07/2014. At the time of consideration of the first application, it was urged before this Court, in view of the authoritative pronouncement of Hon'ble Apex Court in the case of **T.T.Anthony V/s State of Kerala, 2001 Cr.L.J. 3329** that the F.I.R. bearing Crime No. 104/2014 registered at Shirdi police station, in which the present applicant is shown as accused, can not be the F.I.R. in view of the

registration of Crime No. 101/2014 registered at Shirdi police station on the basis of the report lodged by police constable Suresh Auti. It was, therefore, urged that time that F.I.R. No. 104/2014 lodged by Amol Auti, at the most will be a statement u/s 161 of the Code of Criminal Procedure recorded during the course of investigation.

While considering the first application for anticipatory bail, it was pointed out to me that the present applicant has already approached before the Division Bench of this Court u/s 482 of the Code of Criminal Procedure for quashing of F.I.R. No. 104/2014 on a plea supported by the pronouncement of the Apex Court in the case of T.T.Anthony V/s State of Kerala [supra].

2. Today when this application is taken up for consideration, learned counsel for the applicant fairly submitted that the application filed on behalf of the present applicant u/s 482 before the Division Bench for quashing of F.I.R. No. 104/2014 on the basis of the decision of the Apex Court in the case of T.T.Anthony V/s State of Kerala [supra], has been dismissed by the Division Bench of this court.

3. Thus, it is clear that F.I.R. No. 101/2014 and F.I.R. No. 104/2014 are two distinct F.I.R. for two distinct incidents, though it is the submission of the learned counsel for the applicant that it arises out of the same incident.

4. Learned counsel for the applicant invited my attention to the Remand Yadi in F.I.R. No. 101/2014 to point

out that three empty cartridges are already recovered from the spot itself.

5. Looking to the fact that the incident in F.I.R. No. 101/2014 and incident in F.I.R. No. 104/2014 are two distinct incidents. Injured Nitin has received injury in the incident which is reported in F.I.R. No. 104/2014 has received sword as well as fire arm injury. Further, in the present application, the applicant is unable to point out any change in circumstance except the submission of the learned counsel for the applicant that empty cartridges are already recovered in F.I.R. No. 101/2014 and thereby he tries to substantiate his submission that it is change of circumstance.

6. The successive application for bail can very well be filed by the applicant. At the same time, it is incumbent on the applicant who wish to file successive application, to point out the change of circumstance. In the present case, the applicant has failed to demonstrate that there is any change of circumstance after rejection of his previous anticipatory bail application by this Court to approach before this Court again.

7. In that view of the matter, present Criminal Application is rejected.

**[V.M.DESHPANDE, J.]**