

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

**Criminal Application No.3539 of 2014
In
Criminal Application No.5475 of 2013**

Vishwambhar Shankarrao Agarkar. .. **Applicant.**

Versus

The State of Maharashtra
And Others. .. **Respondents.**

Shri. K.J. Suryawanshi, Advocate, for applicant.

Shri. U.H. Bhogle, Additional Public Prosecutor, for
respondent No.1.

Shri. S.J. Salunke, Advocate, for respondent Nos.2 to 8.

CORAM: T.V. NALAWADE, J.

DATE : 11^h JUNE 2015

ORDER:

1) The application is filed for recalling the order made by this Court in Criminal Application No.5475/2014. The application is made on the ground that the relevant material and the correct facts were not brought to the notice of this Court. It is contended that the applicant was

admitted in Intensive Care Unit from 8-9-2013 to 19-9-2013 and this certificate was not brought to the notice of this Court. It is contended that crime is registered for offence punishable under section 307 of the Indian Penal Code and in view of this circumstance this Court ought not to have relaxed the condition imposed on the accused like he is not to enter in the jurisdiction of concerned police station for the period of two years or till conclusion of the trial and he is to attend the concerned police station on particular days till filing of charge sheet. Both the sides are heard.

2) Copy of order made by this Court on Criminal Application No.5475 of 2013 is produced on the record. It shows that after considering the material this Court found that there was dispute of civil nature and there was no need to impose such condition and the condition was cancelled. The injury certificate was to the effect that Vishwambhar had sustained injury to his right hand and now the learned counsel has pointed out the discharge certificate in respect of Vishwambhar which is of aforesaid nature. Even if that circumstance is considered now, this

Court will not be in a position to recall the order made on 16-11-2013. If there is grievance in respect of the order it was necessary for the applicant to approach to the higher Court to challenge this order.

3) Learned counsel for the applicant submits that the applicant has filed application for cancellation of bail itself granted to the accused. In that case the Court considering the application for cancellation of bail can consider everything. The Court may cancel bail or impose conditions if it is felt necessary in view of the contentions made in the application filed for cancellation of bail.

4) Thus no order can be made in the present Criminal Application No.3539 of 2014 in favour of the applicant. The application is rejected. The other application filed for cancellation of bail is to be moved before the regular Court.

Sd/-
(T.V. NALAWADE, J.)

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