

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

**CRIMINAL APPLICATION NO. 3312 OF 2015
IN
CRIMINAL APPLICATION NO. 3010 OF 2015
IN
CRIMINAL APPLICATION NO. 2691 OF 2015**

ramesh s/o Mitthu Rathod & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. S.J.Salunke, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 1st JULY, 2015

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PER COURT :

1. This is an application for amendment. The reason for moving the present application is as under.

2. Present applicants moved application before this Court i.e. Criminal Application No. 2691 of 2015 for grant of regular bail. This application was moved by the applicants after filing of the charge sheet. Said application is allowed by this Court on 15/06/2015. In paragraph No. 10 of Criminal

Application No. 2691 of 2015, it is stated as under :-

“ At present, the applicants have not preferred any other application including before the Hon'ble Supreme Court of India, praying the relief U/sec. 439 of Cr.P.C. except this application ”.

3. According to the learned counsel for the applicants, prior to moving Criminal Application No. 2691 of 2015, Criminal Application No. 1442 of 2015 was filed before this Court. Said application was filed prior to filing of the charge sheet. Said application was dismissed by this Court on 13/04/2015 with liberty to the applicant to file application for bail afresh after filing of charge sheet. According to the learned counsel, inadvertently and due to mistake on the part of the Advocate, said is not mentioned in Criminal Application No. 2691 of 2015 and, therefore, present application for amendment in paragraph No. 10 of Criminal Application No. 2691 of 2015.

4. It is clear that the said has occurred due to the pure mistake. Earlier application i.e. Criminal Application No. 1442 of 2015 was dismissed as withdrawn and the liberty was granted to file application for bail afresh after filing of the charge sheet. In that view of the matter, present Criminal Application is allowed and the applicant is permitted to carry out amendment in Criminal Application No. 2691 of 2015 by adding paragraph No. 10-A, which reads as under :-

“ This is the second application of the applicants before this Hon'ble Court. The earlier application was filed during pendency of investigation in Crime. It was withdrawn with liberty to apply afresh before the trial Court after the charge sheet is filed. The present application is maintainable as there is change in circumstances and the charge sheet is already submitted. The copy of an Order passed in Criminal Application No. 1442/2015 dated 13/04/2015 is annexed herewith and marked at Exhibit “E” ”.

5. Present Criminal Application is allowed and it is disposed of.

[V.M.DESHPANDE, J.]