

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2215 OF 2015

Amol Suresh Ghuge	..Applicant
-Versus-	
State of Maharashtra	..Respondent

Mr.Aabad Ponda with Ratnarani Roy i/b. Roys Law Firm for the applicant
Ms. A.S.Pai, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 9th December 2015.

P.C.

1] Heard the learned Counsel for the applicant. The applicant is seeking bail in C.R.No.27 of 2015 registered initially with Kurar police station and subsequently being investigated by DCB, CID - Unit XII under section 302, 341 and 34 IPC.

2] Learned Counsel for the applicant submitted that the date of incident in the present crime is 16th February 2015 between 1.00 and 1.30 a.m. The applicant was arrested on 17th February 2015. The applicant had preferred a bail application before the trial court

prior to filing of the charge sheet and the same was rejected. That the police filed charge sheet subsequently on 14th May 2015. The applicant, thereafter, again preferred an application bearing Application No.1459 of 2015 before the trial court in view of the changed circumstances, thereby praying for bail. The learned Trial court by an order dated 28th May 2015 has rejected the said application by holding that there is no change in circumstance to entertain the said second bail application immediately within twenty days. Learned Counsel for the applicant by placing reliance upon the judgement of this Court in the case of Laxman Irappa Hati Vs. State, reported in 2004(4) Mah. L.J. 415 submitted that filing of charge sheet in itself is a change in circumstance and, therefore, the trial court ought not to have taken the view as it has taken. I find substance in the said contention.

3] In view of the fact that the charge sheet has been filed by the police, it is imperative for the applicant to file a fresh application for bail before the trial court in view of the said changed circumstances. The learned counsel for the applicant, therefore, seeks leave to withdraw the present application with liberty to file a fresh bail

application before the trial court in view of the change in circumstances. Leave and liberty granted.

Application is disposed of in the aforesaid terms.

(A.S.GADKARI, J)