

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.128 OF 2016

IN

CRIMINAL APPEAL NO.845 OF 2015

Muskan w/o Shaikh Rashid @ Rafiq,
Age-27 years, Occu:Household,
R/o-Jatwada Road, Near Water Filter,
Aurangabad.

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...

Mr.M.A. Latif Advocate for Applicant.
Mr.S.M. Ganachari, A.P.P. for Respondent.

...

WITH

CRIMINAL APPLICATION NO.455 OF 2016

IN

CRIMINAL APPEAL NO.848 OF 2015

Naziyabegum @ Shammo
w/o Shaikh Afzal,
Age-33 years, Occu:Labour,
R/o-Aziz Colony, Naregaon,
Aurangabad, Tq. & Dist-Aurangabad.

...APPLICANT

VERSUS

State of Maharashtra

...RESPONDENT

...

Mr.S.P. Tilve Advocate for Applicant.

Mr.S.M. Ganachari, A.P.P. for Respondent.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 13TH APRIL, 2016

ORAL ORDER :

1. This Court has, on 15th December 2015, rejected the bail application of the Applicant Muskan w/o Shaikh Rashid @ Rafiq (i.e. Applicant in Criminal Application No.128 of 2016), which was filed vide Criminal Application No.6167 of 2015.

2. The bail application of Applicant Naziya Begum w/o Shaikh Afazal (i.e. Applicant in Criminal Application No.455 of 2016) was rejected on 11th January 2016, which was filed vide Criminal Application No.6193 of 2015.

3. Now the present bail Applications have been again moved without change of any circumstance. The learned counsel for both the Applicants are unable to show that there has been any change in the circumstance since the last rejection of the bail Applications. The Accused rely on the Judgment in the case of **Vineeth vs. State of Kerala, reported in 2016 ALL M.R. (Cri.) JOURNAL 140**, to say that Criminal Applications are maintainable. The observations in that Judgment itself would show that it has to be established that there is material change in the fact situation. No such change is pointed out by the counsel. The Appeals have been admitted and also hearing of the Appeals has been expedited. As such there is no reason to go on entertaining repeated Applications.

4. If the Applicants are aggrieved by the orders passed in earlier bail applications rejecting the same, the relief is not by

continuously filing further bail applications. As such, both the Applications are rejected.

5. Both the Appeals be listed for hearing finally on 8th June 2016.

6. Before the next date, Registry to get the Paper-Book prepared.

7. Criminal Application No.128 of 2016 and Criminal Application No.455 of 2016 stand rejected and disposed of, accordingly.

[A.I.S.CHEEMA, J.]

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