

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

CRIMINAL APPLICATION NO. 599 OF 2016

Vishnu Gangaram Rathod,
Age: 31 years, Occ: Agri.,
R/o. TambeDongaon, Tq. Paithan,
Dist. Aurangabad, At present-
Honajinaga, Jatwada Road,
Harsood, Dist. Aurangabad.

...Applicant

versus

The State of Maharashtra
Through Police Station, Sillegaon,
Tq. Gangapur, Dist. Aurangabad.

...Respondent

.....
Mr. R.F. Totala, Advocate for applicant
Mr. S.M. Ganachari, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 11th FEBRUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No.I- 131 of 2015 registered with Sillegaon Police Station, District Aurangabad for the offence punishable under Sections 399 and 402 of Indian Penal Code.

2. Criminal Application No. 6307 of 2015 came to be dismissed as withdrawn on 06/01/2016 after charge sheet in the matter was filed and this Court was not inclined to grant bail.

3. Mr. Totala, learned Counsel for the applicant, while trying

to make out the case for grant of regular bail, would urge that the entire details of the crime in which the applicant is shown to have been an accused, since were not available when the order dated 06/01/2016 dismissing his bail application was passed, sought to rely upon the details of the earlier crime so as to make out the case of doubting the applicant's *prima facie* involvement in the various crimes.

4. In my opinion, the present bail application is not tenable, particularly when the grounds sought to be relied upon for the purpose of grant of bail was very much available to the applicant when he has withdrawn earlier bail application bearing Criminal Application No. 6307 of 2015 on 06/01/2016. Apart from above, it is required to be taken note of the fact that this Court was not inclined to grant bail to applicant No. 4 in the earlier application and was about to reject same, the applicant has withdrawn it without any liberty.

5. In this back ground, particularly having regard to the criminal history of the present applicant, the application fails, stands rejected.

[N.W. SAMBRE, J.]