

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

905 CRIMINAL APPLICATION NO. 4699 OF 2016

RANJANA W/O ABASAHEB GHAYAL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Shelke Appasaheb A
APP for Respondent: A.P. Basarkar
...

CORAM : T.V. NALAWADE, J.
DATED : 31st August, 2016.

ORDER :

1. Notice. The learned APP waives notice. In view of the nature of grievances, heard both the sides.

2. It appears that this Court had refused anticipatory bail when present applicant had come before this Court. It appears that Hon'ble Apex Court has granted bail to the present applicant in Petition (s) for Special Leave to Appeal (Cri.) No. 4440/2016 by the order dated 5.7.2016. The order is made in following terms :-

“Learned counsel for the petitioner submitted that he will deposit a sum of Rs. 2,00,000/- (Rupees Two Lacs) before the trial Court within eight weeks from today.

On such deposit, the petitioner shall be granted bail by the trial court on such terms

and conditions that can be imposed by the learned trial court Judge.

The Special Leave Petition stands disposed of.

Respondent is at liberty to move this Court if it is aggrieved of this order granting relief to the petitioner.

Pending application (s), if any, stands disposed of.”

3. The learned counsel for applicant submitted that for compliance of order made by the Apex Court, the applicant approached to the Court of Additional C.J.M., Ambajogai and he filed application for depositing the amount and on 8.8.2016 he deposited the amount of Rs. 2,00,000/- (Rupees two lakh). Zerox copy of the said report given by the Assistant Superintendent of that Court is produced on the record. He submitted that when he tried to give bail in the Court of Additional C.J.M., he was asked to move the Sessions Court and so, he filed application for anticipatory bail in the Court of Additional Sessions Judge, Ambajogai. He submitted that the Sessions Court returned the application.

4. The learned counsel for applicant submitted that when the applicant filed present application, office told him that

the matter needs to be taken before the same Judge, who has made previous orders and so, the matter has come before this Court.

5. The aforesaid circumstances show that there was some misconception either in the mind of the present applicant, his counsel or of the Court. Due to that aforesaid steps were taken. In view of the order made by the Hon'ble Apex Court, the bail ought to have been granted and only thing which was open to the Court of Additional C.J.M. was to get satisfied about the conditions of bail. There was no other option.

6. In view of these circumstances, the application is allowed and the applicant is allowed to present the bail application before Additional C.J.M., who shall decide the application in terms of order made by the Hon'ble Apex Court as the chargesheet is filed before Additional C.J.M.

[T.V. NALAWADE, J.]

ssc/