

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

901 CRIMINAL APPLICATION NO. 6606 OF 2015

VIKAS S S/O POSU VALVI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Deshpande C.R.
APP for Respondent: Miss. R.P. Gaur
...

CORAM : T.V. NALAWADE, J.
DATED : 14th January, 2016.

ORDER :

1. The application is filed for bail. Both the sides are heard.

2. The previous Criminal Application bearing No. 4541/2014 was rejected by this Court on merits by order dated 15.9.2014. In view of this circumstance, it was necessary for the applicant to show that there has been change in circumstances. It appears that the chargesheet is already filed and the case is fixed for hearing on 22.1.2016. Thus, this is not the case that the case is not making any progress.

3. The learned counsel for applicant submitted that the offence committed falls under section 304 part II and may not fall under section 304 part I of I.P.C. This submission cannot be

accepted at this stage. There was dispute over partition of the joint family property and it is the present applicant, who was not ready to partition the property. Eye witnesses are close relatives of the applicant and there is clear possibility of tampering of the prosecution witnesses at the hands of applicant. As no case is made out, this Court holds that there has been no change in circumstances for granting relief.

4. In the result, the application is rejected. The Trial Court is expected to decide the matter within six months from the date of receipt of this order. Liberty is given to move this Court after six months.

[T.V. NALAWADE, J.]

ssc/