

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO.312 OF 2016
IN
APPEAL NO.511 OF 2014

Rohit Ira Mudgal Applicant
Vs.
State of Maharashtra Respondent

Mr. Sachin Jadhav i/by Mr. Tapan Thatte for the
Applicant.
Dr. F.R. Shaikh, APP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : JUNE 30, 2016

P.C:

1. Learned Advocate appearing for the applicant submits that this second bail application is filed on account of changed circumstances.

2. The changed circumstances narrated are that, a co-accused in the same offence has since been enlarged on bail by this Court, and the role of both the accused is identical. In that regard, our attention is invited to page 140 of the paper-book which is a deposition of the witness No.8 (PW-8 for the prosecution). It is stated that once the role is identical, as the

Sessions Court has found that to be the position, then, this Court should also give the benefit of the release of the co-accused on bail to the present applicant.

3. Upon careful perusal of the order passed in the case of the co-accused, we do not think that any benefit can be derived by the present applicant from the order passed on 28-9-2015 in Criminal Application No.970 of 2015.

4. The trial Court found that the involvement of the present applicant in the offence is proved. The offence is punishable under Section 302 of the IPC. Independently, the applicant's role is referred. In such circumstances, we cannot allow a virtual re-argument of the bail application which was earlier rejected. That having been rejected on merits and the so called changed circumstances in no way assisting the present applicant, we proceed to dismiss this application. The application is, therefore, dismissed.

(DR. SHALINI PHANSALKAR-JOSHI, J.)

(S.C. DHARMADHIKARI, J.)