

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.1414 OF 2015**

Shri Sanjay Balu Nagare

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Uday Warunjikar i/b N.B. Patil for the Applicant  
Ms.S.S. Kaushik, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 22, 2016**  
**(In Chambers)**

**P.C.:**

1. This is a second bail application in the case where the applicant-accused is charged under sections 302, 341, 387, 120B r/w 34 of the Indian Penal Code and also under section 135 of the Mumbai Police Act. The first bail application of the applicant-accused i.e., Bail Application No.264 of 2015 was rejected on 25.3.2015.

2. Mr.Warunjikar, the learned Counsel for the Applicant, submits that under section 164 of the Code of Criminal Procedure, two eye witnesses i.e., one Sachin Patil and Shoba Chanale were recorded on 24.4.2014. He submits that however, when the first bail application was argued and when the chargesheet was handed over to the applicant-accused, these statements were not furnished to the applicant-accused. Further, the C.A.

report was not made available. He submits that this is a change of circumstance and it be considered.

3. Learned APP submits that no officer is present to give her instructions.

4. If these documents as stated by the learned Counsel were not furnished to the applicant-accused alongwith the chargesheet or before this application or the earlier application before the learned Sessions Judge was heard, then, it is a change of circumstance and, therefore, the applicant-accused has liberty to file second bail application on this change of circumstance before the learned Sessions Judge. Accordingly, the learned Sessions Judge after verifying the facts to consider the application independently on merits.

5. Bail application is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**