

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

919 CRIMINAL APPLICATION NO. 1193 OF 2017

KULSUMBI MUSAKHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA

Shri. S.S. Thombre, Advocate, for applicant.
Shri. S.M. Ganachari, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 15 March 2017

ORDER:

1) This is second application for the relief of anticipatory bail. The order made in previous application shows that when this Court was not inclined to grant the relief, the application was withdrawn. However, at that time relief of anticipatory bail was granted in favour of Rahimkhan Pathan, who is grand-father of the main accused.

2) Learned counsel for the applicant submits that the circumstance of filing of charge sheet can be treated as change in circumstance in the present matter. He submitted that there are no serious allegations against

the applicant even from the prosecution and so the applicant is entitled to get the relief. It was submitted that as the investigation is complete police should not need custody of the applicant for the purpose of investigation and on that ground relief needs to be granted.

3) When the previous application was withdrawn when this Court was not inclined to grant the relief, it was necessary for the applicant to show the change in circumstances and the charge sheet also shows that the charge sheet is filed under section 299 of the Cr.P.C. against the present applicant and this shows that applicant was not available for the purpose of investigation and so steps under section 299 of the Cr.P.C. were taken. This circumstance is certainly not in favour of the present applicant. This Court is avoiding to mention the relevant portion of the FIR against the present applicant as the applicant failed to make out the case of change in circumstance. The application stands rejected.

(T.V. NALAWADE, J.)

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