

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 25 OF 2016
IN
CRIMINAL APPEAL NO. 219 OF 2015**

Ganesh Laxman GuravApplicant
Versus
The State of MaharashtraRespondent

Mr. Silvin Y. Kale for the applicant.
Mr. Y.M. Nakhwa, APP for the State.

***CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 08th DECEMBER, 2017***

P.C. :

1. The applicant herein who was an accused no.6 in Sessions Case No. 752 of 2013 on the file of Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay was convicted for offences punishable under Sections 33, 376(D), 377, 120-B, 452 and 506 of the Indian Penal Code.. By this application, the applicant herein has sought suspension of execution of substantive sentence imposed vide judgment dated 05th November, 2014 in the said case and has prayed for release on bail.

2. Heard Mr. Silvin Kale, learned counsel for the applicant and Mr. Y.M. Nakhwa, learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsels for the respective parties.

3. The records reveal that the applicant had earlier filed Criminal Application No. 265 of 2015 in Criminal Appeal No. 219 of 2015 which was dismissed as withdrawn by order dated 08th July, 2015. Paragraph 3 of the order dated 08th July, 2015 reads as under :-

“ 3. After hearing the respective advocates for sometime and after going through the material available on record, by way of notes of evidence, it is found fit that the appeals are required to be heard, expeditiously, without deciding the present applications for grant of bail. This was also the view expressed by the learned Counsel for the appellants/applicants and time is prayed on behalf of the appellants in Cr. Appeal No. 904 of 2014 to file private paper book. As such, in view of this, both the bail applications are disposed of as withdrawn. ”

4. It is therefore evident that the matter was heard and after going through the records, particularly the notes of evidence, Mr. Silvin Kale, learned counsel for the applicant had withdrawn the application. Having withdrawn the previous application after arguing the matter and being content with the expeditious disposal of the matter, the applicant cannot now seek bail on the same grounds. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)