

Anand

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

BAIL APPLICATION No.690 OF 2017

Chetan Shivaji Sarode

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Arun Rajput i/b. Ms Anjali Patil, Advocate, for the Applicant
Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2017

P.C.

. Heard learned counsel for the parties.

2. At the outset, learned APP submits that the Applicant has suppressed the filing of earlier two bail Applications by him, in this Court. He has tendered copies of the orders passed in the earlier two Applications. The same are taken on record and marked as “X” colly. He submitted that the Applicant has deliberately suppressed both these Orders from this Court.

3. Learned counsel for the Applicant tenders his apology. He states that the Applicant had not disclosed to them that he had filed two bail Applications earlier and hence, the

same was not mentioned in the Application. First and foremost, the Applicant who comes with unclean hands does not deserve any indulgence. This is the third bail Application. The first bail Application was dismissed as withdrawn vide Order dated 24.11.2015 passed in B.A.No.1793 of 2015. While dismissing the said Application as withdrawn, this Court (CORAM : SMT. ANUJA PRABHUDESSAI, J.) had granted liberty to the Applicant to file a fresh Application after the evidence of the eye witness was recorded. It appears that thereafter, another Application was filed by the Applicant, being B.A.No.207 of 2016. This Court (CORAM : A.M.BADAR, J.) was pleased to pass the following Order.

“The learned Counsel for applicant states that in the trial, till date, even the charge is not framed and there is no guarantee as to when recording of evidence would commence. He states that in such fact situation, he want to seek review of the order dated 24/11/2015 passed by this Court in Criminal Bail Application No.1793 of 2015. He further prays for withdrawal of instant application. Allowed to be withdrawn for the purpose of filing review application.”

Accordingly, this Court (CORAM : A.M.BADAR, J.) vide Order dated 08.06.2016 allowed the Applicant to withdraw the Application for the purpose of filing review Application. As noted

earlier, both these Orders have been suppressed by the Applicant.

4. Learned APP informs that charge could not be framed in the said case, till date as the co-accused were filing discharge Applications. There is no change in circumstance, as of today. Considering the conduct of the Applicant, no ground is made out for any interference. However, it is always open to the Applicant to file a fresh Application after the evidence of the eye witness is recorded, pursuant to the liberty granted by this Court (CORAM : SMT. ANUJA PRABHUDESSAI, J.) vide Order dated 24.11.2015. Hence, the Application stands rejected.

(REVATI MOHITE DERE, J.)