

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1320 OF 2016
IN
CRIMINAL APPEAL NO.997 OF 2015**

Mohd. Azad Ahmed Ali Khan)..APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr. Aniket Vagal i/by Somet S. Shirsat, Advocates for the Applicant.

Ms. A.A.Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 5th JANUARY 2017.

P.C. :

Heard learned counsel appearing for the Applicant-accused. He argued that though earlier bail application of applicant-accused was rejected by order dated 4.3.2016 passed by this Court and as hearing of the appeal was not conducted by 27.10.2016, applicant-accused is entitled for bail. Learned counsel for the applicant-accused submitted that it is a case of love affair going wrong and evidence of the prosecutrix shows that she was

in love with the applicant-accused. At the relevant time, she was aged about 17 years 6 months. The learned counsel for the applicant-accused places reliance upon the order dated 4.3.2016 by which earlier bail application of the applicant-accused was rejected.

2 The learned APP opposed the application.

3 I have carefully considered the submission so advanced and perused the earlier order dated 4.3.2016. When on earlier occasion, this Court has held that case in hand is not a fit case for releasing applicant on bail, he cannot be said to be entitled automatically because of lapse of time. Earlier order holding that the applicant is not entitled for bail does not permit me to release the applicant-accused on bail subsequently as that will amount to review of the earlier order.

4 In this view of the matter, the application is rejected.

5 Put up the appeal for final hearing at its appropriate place in the category of jail appeals.

(A. M. BADAR, J.)