

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO. 439 OF 2017

(JIVAN MANIKRAO BURANDE...VS.. STATE OF MAH.THR. P.S.O.SAWANGI (MEGHE), WARDHA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.D.Sharma, Advocate for Applicant.
Shri S.P.Deshpande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 23, 2017.

Heard.

The applicant had filed Criminal Application (ABA) No. 3 of 2017 which is withdrawn on 12th June, 2017. The explanation for maintaining the present application is that co-accused are granted bail by this Court by order passed in Criminal Application (ABA) Nos.96/2017, 97/2017 and 98/2017 on 5th March, 2017. The submission is misdirected as the fact that co-accused is granted bail was well within the knowledge of the applicant on 12th June, 2017 and argument relying on that fact could have been made. Other explanation given by the applicant to maintain the present application is that now he has filed some additional documents which falsifies the claim of the Investigating Agency. In paragraph 14 of the application it is stated that Criminal Application (ABA) No. 3 of 2017 was withdrawn as the applicant intended to gather some additional material in support of his application and now after gathering the relevant dates and sufficient facts, this application is filed. This statement shows that the applicant was aware about the documents and facts

on which he is now relying and while withdrawing the earlier application and he could have sought liberty to file fresh application. It is unexplained why such course is not adopted. The applicant has not pointed out any change in circumstances. Therefore, this second application filed by the applicant is **dismissed**.

JUDGE

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