

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

CRIMINAL APPLICATION (BA) NO.988 OF 2016
(Ravi s/o Ghurlal Patel vs. The State of Maharashtra)

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

Shri S.P. Sonwane, Advocate for applicant.
Shri A.V. Palshikar, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 9, 2017

This is an application for grant of bail by accused involved in Crime No. 394/2015 registered under Sections 302, 120-B and 201 read with Section 34 of Indian Penal Code.

Before commencement of submissions of learned Counsel for applicant, Shri Palshikar, learned Additional Public Prosecutor has referred to order dated 15/6/2016 passed by this Court in Criminal Application (BA) No.314/2015 vide which application filed earlier by applicant was allowed to be withdrawn. In that order, this Court has specifically observed that after arguing the matter for some time when Court was about to dismiss the application, learned Counsel for applicant sought leave to withdraw the same and accordingly leave was granted.

On perusal of aforesaid order, it is found that matter was prayed to be withdrawn as Court was about to dismiss the same and thus, I find much substance in the submissions advanced by learned Additional Public Prosecutor with regard to maintainability of this

application.

Shri Sonawane, learned Counsel for applicant, in support of this application has relied upon judgment of Rajasthan High Court in **Suresh Chand and others vs. State of Rajasthan** (II (2001) DMC 17) and contended that subsequent application is maintainable even if earlier application was dismissed, if there is a substantial change in factual situation between the earlier bail application and the subsequent one.

There is no dispute about the said proposition. However, in the said Authority, it is also observed that successive bail application on the basis of new arguments and new twists on the same facts should not be encouraged.

Shri Sonwane, learned Counsel for applicant, with reference to tenability of present application, submits that other accused persons are released on bail after earlier application of applicant was allowed to be withdrawn.

The ground advanced by learned Counsel for applicant cannot be said to be a material change in circumstances, more particularly when earlier application of applicant was allowed to be withdrawn as aforesaid. In the circumstances, without going to merits of the present application, I find no substance to entertain the same. The application is, therefore, dismissed as not tenable.

JUDGE

khj