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

ANTICIPATORY BAIL APPLICATION NO.2549 OF 2018

Sanjay Bharat Mithari

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. D.S. Joshi for applicant.

Mr. Ajay Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 13th December 2018.

P.C.:

1] This is a subsequent application for pre-arrest bail. Earlier application bearing A.B.A. No.1588 of 2018 preferred by the applicant was dismissed as withdrawn by granting liberty to the applicant to surrender before the concerned Magistrate having jurisdiction over Shriloli MIDC Police Station, Kolhapur on or before 11.00 a.m of 11.12.2018.

2] The said Order was passed in open Court and after hearing the learned counsel for the applicant, when this Court was not inclined to grant any relief, the learned counsel on instructions from applicant withdrew the said application with liberty to surrender as noted earlier.

3] The learned counsel for the applicant submitted that, the applicant never gave instructions to his counsel to make such statement before this Court and the applicant by his letter dated 6.12.2018 has informed the Advocate that his matter be heard on merits. The letter is annexed at page No.37 to the present application.

 Today the learned counsel for the applicant submitted that, he may be heard on merits and appropriate orders may be passed.

4] At the outset, it is to be noted here that, in earlier A.B.A. No.1588 of 2018, it is specifically recorded that, after hearing the learned counsel appearing for the applicant at length, when this Court was not inclined to grant any relief, the learned counsel on instructions from the applicant sought leave to withdraw the application with liberty to surrender as noted earlier.

5] In this back ground the present application is filed on 10.12.2018 by changing Advocate. The letter dated 6.12.2018 written by the applicant is undoubtedly an afterthought and has been written after taking advise from another Advocate. It is the settled position of law that, mere change of Advocate is not a change in circumstance.

6] As noted earlier, the said letter is an afterthought and just to

wriggle out from his own solemn statement made before this Court on 30.11.2018 the applicant has issued the same. The conduct of the applicant is deplorable and is hereby deprecated.

Apart from the aforesaid fact, I find no change in circumstance after 30.11.2018 which requires this Court to take different view than which was prevailing on 30.11.2018.

7] Application being de hors of any merits, is accordingly rejected.

(A.S.GADKARI, J.)