

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.775 OF 2018

VIKRANT @ VICKY NAGESH MISAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr. Shailesh Chavan, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 11th DECEMBER 2018

P.C. :

1 This is second bail application moved by the
applicant/accused in Crime No.96 of 2015 for offences punishable
under Sections 302 read with 34 of the Indian Penal Code, under
Section 4(25) of the Indian Arms Act, under Section 37(1) read
with 135 of the Maharashtra Police Act as well as under Section
3(1)(i) and 3(4) of the Maharashtra Control of Organized Crime
Act, 1999, registered with Bhosari Police Station , Pune.

2 Heard the learned counsel appearing for the applicant/accused. He argued that the application for anticipatory bail of co-accused Sham Jalinder Gaikwad was allowed by this court (Coram : Smt.Anuja PrabhuDessai, J.) vider order dated 11th December 2015, and therefore, the present applicant/accused is also entitled to be released on bail.

3 The learned APP submitted that the said order dated 11th December 2015 was in existence at the time of rejection of bail application of the applicant/accused on 4th July 2016 by this court.

4 I have considered the submissions so advanced. Earlier bail application of the present applicant/accused came to be rejected by this court with a reasoned order dated 4th July 2016. Prior to that, an application for anticipatory bail moved by the co-accused Sham Jalinder Gaikwad was allowed by this court (Coram : Smt.Anuja PrabhuDessai, J.) vide order dated 11th December 2015. This court while passing the order dated 4th July

2016 had noted the arguments of the learned counsel appearing for the applicant/accused to the effect that the co-accused is granted anticipatory bail vide order dated 11th December 2015 in Anticipatory Bail Application No.1642 of 2015. Still, on merit, the application for bail of the applicant/accused was rejected.

5 In this view of the matter, second bail application of the applicant/accused cannot be considered as there is no change in circumstances.

The application is, therefore, rejected.

(A. M. BADAR, J.)