

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION (BA) 324 OF 2018**

(Shrikrishna Vitthalrao Rathod...vs...The State, thr PSO, PS Kurha, Tq. Tiosa)

-----  
*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

-----  
Ms. Sapna Jadhav, counsel for the applicant.  
Shri T.A. Mirza, counsel for the respondent.

**CORAM: ROHIT B. DEO, J.**

**DATE: 15<sup>th</sup> June, 2018.**

Heard.

2           The application brings into focus a disturbing trend.

3           Bail applications are argued at length and when this court indicates its disinclination to entertain the application, the same are withdrawn.

4           The previous application was argued for quite some time and when this Court was about to dismiss the application, the learned counsel submitted that she desires to withdraw the application. The order dated 5.2.2018 reads thus:

*“1. Heard learned counsel Mrs. Swapna Jadhao for the applicant for quite some time and learned Additional Public Prosecutor Shri T.A. Mirza for the State. Also, perused the chargesheet and dying declaration of deceased Bhagyashri, the wife of the applicant.*

*2. The dying declaration, prima facie, clearly implicates the applicant.*

*3. When the Court was about to dismiss the application, learned counsel Mrs. Swapna*

*Jadhao for the applicant submitted that she wishes to withdraw the present applicant.*

*4. The criminal application is dismissed as withdrawn.”*

4           It is not even the case of the applicant that there is any significant change or development after the application was rejected. It is trite law that the principles of res-judicata do not apply to bail applications. It is not necessary, therefore, to consider the judgment of the Madras High Court on which the learned counsel for the applicant places reliance. However, equally well settled, is the legal position that unless there is a significant change in circumstances, it would not be appropriate to entertain successive bail application/s. The earlier application was argued for some time and as the order reveals, when the application was about to be dismissed by this Court, the same was withdrawn. Such withdrawal is no different in implication than dismissal on merits.

5           The application is an abuse of the process of law and is rejected.

**JUDGE**

*RS Belkhede*