

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.885 OF 2019

Hiralal Vitthal Gajjam.] ... Applicant

Versus

State of Maharashtra.] ... Respondent

Mr. Priyal G. Sarda for Applicant.

Smt. A. A. Takalkar, APP for State.

Mr. Dattatray B. Ligade, PSI attached to Jail Road Police Station,
Solapur City, present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 07 JUNE, 2019

P. C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.58 of 2019 registered with Jail Road Police Station, Solapur City, under Sections 420 and 417 of the IPC.

2. In the past, the Applicant had approached this Court with Anticipatory Bail Application No.628 of 2019. On 29th March, 2019, this Court (Coram : P. N. Deshmukh, J.) passed the following order :

- “1. On instructions learned Counsel for applicant seeks leave to withdraw the Application. Leave as prayed is allowed.*
- 2. Application is disposed of as allowed to be withdrawn.”*

In spite of this order, the second anticipatory bail application is preferred by the Applicant and in that the Applicant, in paragraph nos.6 and 7 of the memo of the Application, mentioned thus :

- “6) Hence the Applicant has approached the Hon'ble High Court by way of filing Cri. Anticipatory Bail Application No.628 of 2019 U/s. 438 of Cr.P.C. before this Hon'ble Court (Coram : P. D. Deshmukh, J.) on 29.03.2019 and during the hearing, the APP has pointed out the report of the Respondent and argued that the Applicant has cheated to number of persons by selling the same plot to said number of persons. As there was no proper instructions to the Advocate for the Applicant, the said Application has been withdrawn. Hereto Annexed and Marked as Exh.-D is the Copy of the Order dated 29.03.2019.*
- 7) The Applicant thereafter came to know about the Report which was prepared by the Respondent and he came to know that the Respondent has not narrated the true and correct facts before the Hon'ble Court only with an intention to get the Order of rejection of Anticipatory Bail Application, with ulterior motive.”*

3. The averments in paragraph nos.6 and 7 do not find place in the order dated 29/03/2019.

4. Though repeated bail applications are permitted, there has to be change in circumstance. What transpired during the hearing of the application when the first application was withdrawn, cannot be a subject-matter of the second anticipatory bail application. This cannot be termed as 'changed circumstance'.

5. In this view of the matter, I am not inclined to entertain this application. The Application is accordingly disposed of.

(SARANG V. KOTWAL, J.)