

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

ANTICIPATORY BAIL APPLICATION NO. 903 OF 2019

Shri. Bhimgonda K. Borgave ..Applicant.

vs.

The State of Maharashtra ..Respondent.

Mr. U.R. Mankapure for Applicant .

Ms. S.S.Kaushik, APP. for the State.

Mr. Tushar Pimpale for Intervener.

Mr.Kiran Didwagh, PSI from Jaysingpur P.S. present in court.

CORAM : P.N. DESHMUKH, J.

DATE : 15th April, 2019

PC :

1. Issue notice. Learned APP. waives service of notice on behalf of the respondent-State and seeks time to file affidavit in reply.

Investigating Officer is present.

2. Admittedly earlier application filed for anticipatory bail being ABA No.

361 of 2019 by applicant along with other accused was allowed to be withdrawn and as such dismissed, after court was not inclined to grant relief. Learned counsel for applicant contended that present application is tenable since filed on changed circumstances and has contended that one of the circumstance is that, most of the investigation is complete and muddemal involved in the case is seized. Second ground put forth is that, one of the co-accused who admittedly was not applicant in earlier anticipatory bail application No.361/2019 is granted anticipatory bail by this court. However, considering both the grounds they cannot said to be change of circumstances holding present application to be tenable for the reason that recovery of muddemal came to be effected after applicant in earlier application surrendered after earlier application was allowed to be withdrawn and dismissed. Similarly co-accused was granted ad interim relief from his arrest by filing separate application who admittedly was not applicant in earlier application being ABA No.361/2019. Application is therefore devoid of merits stands disposed off as dismissed as not tenable.

(P.N.DESHMUKH, J.)