

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

14 BAIL APPLICATION NO.1087 OF 2020
WITH
CRIMINAL APPLN/1847/2020 IN BA/1087/2020

DATTARAO S/O. SHRIDHARRAO TALEKAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Magar Balasaheb N
APP for Respondent : Mr. A S Shinde
Advocate for informant : Mr V C Patil Ashtekar

...

CORAM : V.K. JADHAV, J.
Dated: October 22, 2020

...

PER COURT :-

1. Heard. For the reasons stated in criminal application no.1847 of 2020 in bail application no.1087 of 2020, the same is allowed in terms of prayer clause 'B' and disposed off.

2. I have heard the learned counsel for the applicant at length. I am not inclined to entertain this application for the reason that there is no change in the circumstance.

3. By order dated 31.7.2020 in bail application

aaa/-

no.537 of 2020 this Court (Coram : Smt. Vibha Kankanwadi, J.) has rejected the application of the applicant. It has been specifically observed in paragraph no.5 of the order that in the FIR it is stated that parents of the Anil were staying with him; whereas the applicants say that they were residing separately adjacent to the house/rooms where the deceased was staying. It is further observed that as regards to applicant no.1 is concerned (present applicant) there appears to be evidence and, therefore, though he is stated to be a senior citizen and in view of the fact that the merits are also required to be considered, his application cannot be considered at all.

4. Learned counsel for the applicant has tried to canvass that the order dated 31.7.2020 passed by this Court (Coram: Smt.Vibha Kankanwadi, J.) in bail application no.537 of 2020 is prior to filing of the charge-sheet and this application came to be filed after filing of the charge-sheet. By order dated 31.7.2020 in bail application no.537 of 2020 this Court (Coram : Smt.

aaa/-

Vibha Kankanwadi, J.) has considered the application of the present applicant on merits. In view of the same, mere filing of the charge-sheet is not the change in the circumstance. Learned counsel for the applicant on the basis of the statements of the witnesses further tried to convince me that the applicant was residing separately from co-accused husband. However, the same has been considered in the earlier order of this Court dated 31.7.2020 as referred above. In view of the same, there is no change in the circumstance except the change of the forum, I am not inclined to consider this application on merits again. Hence, following order.

O R D E R

Application is hereby rejected.

(V.K. JADHAV, J.)

...