

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

920 BAIL APPLICATION NO.465 OF 2021

AMOL BABASAHEB GITE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

**WITH
CRIMINAL APPLICATION NO.1156 OF 2021
IN BA/465/2021**

...

Advocate for Applicant : Shri Satej S. Jadhav
APP for Respondent No.1 : Shri A.V.Deshmukh
Advocate for Respondent No.2 : Shri D.K. Dagadkhair

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CORAM : M.G.SEWLIKAR, J.

DATE: 9th September, 2021

PER COURT:-

1. Heard Shri S.S.Jadhav, learned counsel for the applicant.
2. It appears that the application of the applicant for bail was withdrawn by the applicant on 28th January, 2021. The said order is placed on record. It shows that Bail Application No.1524 of 2020 with Application No.2464 of 2020 in Bail Application No.1524 of 2020 were withdrawn when this Court had expressed its disinclination to grant any relief.

3. Shri Jadhav, learned counsel for the applicant submitted that there is change in circumstance as Forensic Science Laboratory (F.S.L.) report was received on 13th January, 2021. The said F.S.L. report shows that there is no evidence of forceful sexual intercourse. Another change in circumstance according to the learned counsel for the applicant is the representation made by him to the Investigating Officer indicating therein that the applicant and the victim were having love affair.

4. Both these events cannot be called as change in circumstance for the reason that the F.S.L. report is dated 13th January, 2021 and the order passed by this Court bears the date 28th January, 2021. Therefore, in all probability, this report must have been produced before this Court during the hearing of the said bail application.

5. So far as the representation is concerned, it also does not amount to change in circumstance for the reason that the said representation was made on 14th August, 2020. Therefore, at the time of decision of Bail Application No.1524 OF 2020, the representation was already pending before the Investigating Officer.

6. This shows that at the time of hearing of Bail Application No.1524 of 2020, this fact was very much within the knowledge of the applicant. Therefore, this also cannot be called as change in circumstance. Application is, therefore, rejected.

(M.G.SEWLIKAR)
JUDGE

SPT