

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

**CRIMINAL APPLICATION NO.1588 OF 2020
IN APEAL/1091/2019 WITH APEAL/1091/2019**

**AMOL S/O. YUVRAJ GUND
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Wakure Sanjay A.
APP for Respondent/State: Mr. S.W. Mundhe
...

CORAM : MANGESH S. PATIL, J.

DATE : 26.02.2021

PER COURT :

This is a successive Application under Section 389 of the Code of Criminal Procedure seeking suspension of substantive sentence and release of the applicant on bail during pendency of the Appeal.

2. After having heard both the sides for a while, it transpires that my brother Judge has, already heard the arguments and expressed his disinclination to suspend the sentence and to grant bail to him by a speaking Order dated 02.12.2019. Pertinently the parents of the applicant were also convicted along with him. To their extent the substantive sentence was suspended and they were granted bail.

3. Going by the averments in the Application, there is no material change in the circumstances except lapse of about one year since rejection of the earlier Application.

4. In my considered view, it would not be appropriate to reconsider the matter merely because one year has lapsed since rejection of the earlier Application.

5. It would be inappropriate to decide the Application within such a short time after rejection of earlier application on merit.
6. The Application is rejected.

(MANGESH S. PATIL, J.)

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