

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.348 OF 2021

(Tejram @ Dada Gopalrao Mule Vs. State of Maharashtra thr. PSO PS Kanhan, Tah.
Parseoni, Dist. Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Y.Y. Humne, Advocate for Applicant.
Mrs. K.R. Deshpande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd JUNE, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This application is preferred under Section 438 of the Criminal Procedure Code, 1973 seeking pre-arrest bail for offences punishable under Sections 307, 353, 333 and 143 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

3. This is the applicant's second attempt. Earlier, Criminal Application (ABA) 728/2020 was preferred by the applicant, which came to be rejected vide an elaborate and reasoned order dated 09.03.2021.

4. This application is preferred within two and half months approximately from the earlier rejection.

5. In response to a court query as to the change in circumstances warranting a successive application soon after the rejection on merits of the first one, the learned counsel submits that after this Court rejected the pre-arrest bail on 09.03.2021 co-accused Kapil and Aman are released on regular bail on 17.03.2021 and 07.06.2021 respectively, by this Court. The considerations for grant of refusal to grant pre-arrest bail and regular bail are totally different. The fact that the arrested co-accused are granted regular bail is not a relevant circumstance much less change in circumstances as would warrant preferring successive application for pre-arrest bail.

6. The application is rejected.

JUDGE