

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

CRIMINAL APPLICATION [ABA] NO. 765/2021.

Mahendra Tulsiram Gawai.

-VERSUS-

State of Maharashtra through P.S. Butibori, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Y.V. Nayyar, Advocate for the Applicant.
Shri V.A. Thakare, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 21, 2021.

Heard.

2. This is second pre-arrest bail application moved by the applicant Mahendra Gawai, since his earlier bail application was rejected by this Court vide order dated 14.10.2021. Needless to say that unless there is change in circumstances, this Court cannot reconsider the prayer for pre-arrest bail, which was once rejected on merits.

3. On this premise, the learned Counsel for the applicant has invited my attention to the subsequent order dated 30.11.2021 passed by this Court in Criminal Application [ABA] No. 618/2021,

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relating to co-accused namely Nitin Gedam.

4. It is submitted that while rejecting the bail application of co-accused Nitin Gedam, this Court has expressed that the said applicant Nitin Gedam played major role in the crime. Moreover, it is expressed that Nitin Gedam has signed all the agreements. Basing on these observations, it has been submitted that this Court has not expressed any role for present applicant Mahendra in the said order and this is the change in circumstance.

5. I am absolutely not in agreement with the said submission. The order dated 30.11.2021, was in respect of co-accused Nitin Gedam. The matter was assessed only from the point of view of Nitin Gedam and about his role. There was no occasion for this Court to consider the role of present applicant while deciding the bail application of co-accused. Hence, there is no change in circumstance to re-entertain bail application. In view of this, Criminal Application is rejected.

JUDGE

Rgd.