

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

**949 BAIL APPLICATION NO.459 OF 2021
WITH APPLN/1170/2021 IN BA/459/2021 WITH
APPLN/2049/2021 IN BA/459/2021**

**NITIN RAMKRUSHNA SHELKE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant in BA : Mr. Ghanekar Nilesh S.
Advocate for Applicant in Cri.Applns. : Mr. S. C. Arora,
Mr. S. G. Jadhavar, respectively.
APP for Respondent-State : Mr. S. B. Narwade.

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**CORAM : S. G. MEHARE, J.
DATE : 15.06.2022**

PER COURT :-

1. Heard the learned counsel for the applicants, learned APP for the State and learned counsel Mr. Arora and Mr. Jadhavar for the complainants, respectively.

2. Learned APP has raised an objection that the present application is filed after the order passed by this Court on 28.09.2020, whereby the application for bail bearing No.330/2020 was dismissed as withdrawn. Therefore, the applicant cannot again directly

approached this Court. Per contra, the learned counsel Mr. Ghanekar for the applicant would refer the various orders of this Court since from July 2020 till the last order dated 28.09.2020. The orders reveals that the Court in order to explore the possibility granted any opportunity to the applicant to deposit Rs.1,50,00,000/-. Thereafter, on various dates, the time was granted to show the bonafide by depositing the amount. However, the applicant could not deposit the amount as was expressed by this Court. Therefore, on 28.09.2020, on instructions, the application was allowed to be withdrawn.

3. Learned counsel Mr. Ghanekar submits that a liberty may be granted to approach the Special Court to seek the bail.

4. Learned counsel Mr. Arora for the complainant has vehemently opposed for the blanket liberty. He would state that there shall be a rider of the factum of the bonafides for depositing of Rs.1,50,00,000/- as were directed by this Court in the various orders mentioned

above. Thereafter, substance in the objections raised by the learned counsel, Mr. Arora for the complainant. In fact on 28.09.2020, when the leave to withdraw was sought, no liberty to file a fresh bail application was requested. Hence, the application was dismissed as withdrawn.

5. The case pertains to the economic offence. Therefore, the leave is granted to the applicant to move a fresh application for bail. The applicant shall produce all the orders which have been placed on record before the Special Court and Special Court may consider these orders while deciding the bail application.

6. In the above terms, the application stands disposed of.

7. Criminal Applications are also disposed of.

(S. G. MEHARE, J.)

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vmk/-