

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 BAIL APPLICATION NO.1914 OF 2022

PAWAN VISHWANATH UKHANDE
VERSUS
THE STATE OF MAHARASHTRA

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Mr.R.M. Jade, advocate for applicant.

Mr.A.A. Jagatkar, APP for the respondent/State.

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CORAM : S.G. MEHARE, J.

DATE : DECEMBER 09, 2022

PER COURT :-

1. Learned counsel for the applicant is seeking leave to amend the bail application. He would submit that after the applicant was taken in custody under non-bailable warrant issued against him, he had filed application for bail. However, the learned Sessions Judge declined to grant him a bail. Thereafter he approached this Court by filing this present application.

2. When this application was pending for hearing, the applicant again filed second bail application for bail before the learned Sessions Judge. Learned Sessions Judge again rejected his bail application. The applicant wants to bring this new fact on record by way of amendment.

3. In above situation, there are no provision to amend bail application. The cause of action for this bail application and subsequent bail application is different. As soon as the second

bail application was filed before the Sessions Court before disposal of this application, the present application became infructuous. Since the amendment in such a way can not be allowed. The present application stands disposed of as infructuous.

4. The applicant is at liberty to file a fresh bail application on the cause of action of the rejection of his last bail application by learned Sessions Judge if he desires.

(S.G. MEHARE, J.)

SGA