

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.2016 of 2022
WITH
INTERIM APPLICATION (STAMP) NO.14219 OF 2022
IN
BAIL APPLICATION NO.2016 of 2022**

Mohd. Khalid Mukhtar Ahmed ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. V.V. Salunkhe i/b. Mr. Vivek Punjabi for the Applicant.

Mr. Rajendra Rathod with Mr. Ali Bubere and Mr. Umar Dalvi for the Intervenor.

Mr. A.A. Palkar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th AUGUST, 2022.

P.C.:-

1. This is the second bail application. Previous bail application being Bail Application No.871 of 2021 was dismissed on merits by order dated 27/4/2022. The Applicant had challenged this order before the Hon'ble Supreme Court in Special Leave Petition No.5669 of 2022. The Hon'ble Supreme Court vide order dated 17/06/2022 had allowed the Applicant to withdraw the said Special Leave Petition with liberty to approach this Court after a reasonable time.

2. It is well settled that the second bail application is maintainable only in case of change in circumstance. The delay in trial

or not concluding the trial within a reasonable time, without just cause would also entitle the accused to apply for bail. In the instant case the previous bail application was dismissed on merits. The Applicant has filed the second application in view of the liberty granted by the Hon'ble Supreme Court to approach this Court after a reasonable time. The Applicant has filed the second application within thirteen days from the date of the order of the Hon'ble Supreme Court. The period of thirteen days cannot be construed as 'reasonable time' to conclude the trial.

3. The case is yet to be committed. Learned counsel for the Intervenor submits that the Applicant has been delaying the committal on one pretext or the other. Learned counsel for the Applicant disputes the said statement. It is not necessary to get into the said controversy as even otherwise the application filed by the Applicant cannot be entertained on the ground of delayed trial and further for want of change in factual situation and circumstances. Filing of successive bail application without any significant change in circumstances is an abuse of process of Court.

4. Under the circumstances, the application is dismissed. Suffice it to say that this order will not prevent the Applicant from

exercising liberty granted by the Hon'ble Supreme Court in approaching this Court after a reasonable time.

5. Pending interim application (s), if any, stand (s) disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

MEGHA
S
PARAB

Digitally signed
by MEGHA'S
PARAB
Date: 2022.09.06
11:03:22 +0530