

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

ANTICIPATORY BAIL APPLICATION NO.314 OF 2023

SANDEEP CHANDRABHAN NIKAM

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. A.R. Tapse

APP for Respondent: Mr. S. P. Deshmukh

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CORAM : S. G. MEHARE, J.

DATE : 07.06.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.PP for the respondent State.
2. The learned A.PP argued that the applicant is still absconding and the charge sheet is not filed against him.
3. This is a successive bail application of the applicant for bail under Section 438 of the Code of Criminal Procedure in Crime No. 72 of 2022, registered with Police Station Bodwad Taluka Bodwad District Jalgaon for the offences punishable under Sections 420, 419, 409, 467, 468, 469, 471 read with Section 34 of the Indian Penal Code.
4. The earlier bail application of the applicant was dismissed discussing each and every point raised by the applicant and examining the record. Now

the learned counsel for the applicant would submit that the allegation that the construction work of road was incomplete is incorrect. In fact, the construction of work was completed and this aspect is a change in the circumstances. There is evidence that the toilet work was also completed and Co-ordinator has visited the work place and thereafter sanctioned the amount. The beneficiaries are using the toilet.

5. The applicant has raised as many as 19 grounds seeking bail. It appears that it is like a bail application afresh. Law is settled that in the successive bail application, the applicant has to satisfy the material change in the circumstances that entitle him for bail. However, the ground raised by the applicant appears not in proposition of the law. Be that as it may, in the earlier order each and every aspect was considered. It was observed specifically that huge money was transferred in the personal account of the applicant and the material placed before the Court was within the knowledge of the applicant. And the bail was declined. After considering the argument advanced by the learned counsel for the applicant, the Court did not find any change in the circumstances. Therefore, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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