

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

925 BAIL APPLICATION NO.484 OF 2023

VISHAL BALASAHEB KOTKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Pande Balraj Prakash, Mr. Gopal P.
Pande.
APP for Respondent-State : Mr. K. S. Patil.
...

CORAM : S. G. MEHARE, J.
DATE : 12.04.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in Crime No.136 of 2018, registered with Police Station Kotwali, District Ahmednagar, for the offences punishable under Sections 302, 303, 120-B, 143, 144, 145, 147, 148, 149, 504, 506 read with Section 34 of the IPC and Section 3/25 and 4/25 of the Arms Act.
3. The applicant is seeking bail on parity. Learned counsel for the applicant would argue that the role attributed to the co-accused Bhanudas Mahadeo Kotkar @ BM and the present applicant is similar. He has also argued that when the earlier

bail application was argued, few points remained to be argued. He has referred to the order granting bail to co-accused Bhanudas Mahadeo Kotkar. He further argued that the applicant was a winning candidate in election. Hence, he has been falsely implicated in the crime.

4. The role attributed to the applicant is apparently different from the role attributed to co-accused Bhanudas Mahadeo Kotkar. While rejecting his earlier bail application, the Court has specifically observed the role attributed to the applicant. The applicant was monitoring the crime. Hence, he could not claim the parity. As far as the grounds remained to be argued in the earlier bail application, that may not be a change-in-circumstance. The rule is that the applicant claiming bail has to raise the grounds available at that time. The accused has no right to file bail application separately on separate grounds. In other words, the law does not permit the party to claim the reliefs in different proceedings on one and the same cause of action. Therefore, this Court is of the view that there is no substance in the submissions of the learned counsel for the applicant that few grounds remained to be argued in the earlier bail application. Hence, the applicant may argue the same.

5. For the above reasons, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-