

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

BAIL APPLICATION NO.2124 OF 2022

PUNJARAM BHANUDAS SONAWANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. N. L. Choudhari h/f Mr. S. P. Sirsat
APP for Respondent: Mr. S. P. Sonpawale
....

CORAM : S. G. MEHARE, J.

DATE : 07.02.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent-State.
2. This is second bail application of the applicant after withdrawal of his first bail application by the order dated 30th March 2022 by this Court.
3. The learned counsel for the applicant has vehemently argued that since the co-accused have been granted bail by the order of this Court passed on 30th March, 2022, he is entitled to parity. He has also argued that the applicant is entitled to bail on merits. He argued that the role attributed to the co-accused Govind and Uttam was serious than the role

attributed to the applicant. They have been granted bail by the order dated 30th March, 2022. He also pointed out that the allegations levelled in the FIR are vague, however, by way of supplementary statement of the victim, attempt has been made to fill up the lacuna. For these reasons the applicant deserves bail.

4. The learned A.PP would argue that bail application of co-accused Govinda and Uttam as well as the applicant was decided by common order dated 30th March 2022. The same facts were before the Court while refusing him a bail. In such circumstances, the parity would not apply. Since the earlier application was rejected considering the entire facts and material placed before the Court, the subsequent bail application cannot be entertained unless there are substantial change in the circumstances. For these reasons, the application is devoid of merit.

5. There appears substance in the argument of the learned A.PP that in view of the fact that bail application of co-accused Uttam and Govind was decided by the common order considering the same material parity would not apply. As far as the merit of the case is concerned, it has also been considered by this Court while refusing bail by the order dated 30th March 2022. The learned counsel for the applicant has correctly argued that applicant may file applications for bail one after another. However,

the rule for filing the subsequent bail application after previous rejection is the applicant-accused must show substantial change in the circumstances. This Court had complete material before it on 30th March, 2022. However, the learned counsel for the applicant did not convince this Court that there are substantial changes in the circumstances to claim bail afresh. Since the entire facts were considered in the earlier bail application question of considering bail application on merits does not arise.

6. For the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE

ysk