

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

CRIMINAL BAIL APPLICATION NO. 1865 OF 2022

Tulsiram Bala Patil ...Applicant
vs.
The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO. 633 OF 2023
IN
CRIMINAL BAIL APPLICATION NO. 1865 OF 2022**

Ranjana Krushna Patil ...Intervenor/First Informant

In the matter between

Tulsiram Bala Patil ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Dheeraj Panchange – Advocate for Applicant.
Mr.Priyal G. Sarda – Advocate for Intervenor.
Mr.H.J.Dedhia – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 12th APRIL, 2023

P. C. :-

1. Heard learned Advocate for the present Applicants. It is true that every Accused has got right to apply for bail again and again but

once earlier bail application is rejected, if he has to move before the same Court, there are certain limitations. The Hon'ble Supreme Court and this Court in various judgments have explained that change in circumstance is one of the grounds on which second bail application can be entertained.

2. It is true that learned Advocate for the Applicants tried to submit before me as to how the role of the present Applicant is similar to role of Accused who are already released on bail and he also tried to point out that there are inconsistencies in between the statements of the witnesses. I am afraid that these submissions can be considered by this Court now. It is in view of the fact that Bail Application No.1199 of 2017 of present Applicants was withdrawn on 29th May, 2017. Its copy is tendered on record. So, the submissions which are made now cannot be considered as change in circumstance.

3. It is true that this Court has granted bail to Gurunath Mhatre in Criminal Bail Application No.1565 of 2020 on 2nd March, 2023 on the ground of delay in trial. At that time, it was submitted that 18 witnesses were examined and 27 are yet to be examined. However, this issue was clarified on behalf of the Prosecution and on behalf of

the First-Informant when this Court has dealt with the Bail Application No. 178 of 2023. Hence, Applicants cannot be granted bail just because this Court has granted bail as per the said order. In view of that, I am unable to accept any of the contentions.

4. This Court as per the order dated 23rd March, 2023 passed in Criminal Bail Application No. 178 of 2023 was pleased to observe that if the remaining trial will not be over within 6 months from that date, Applicant was granted liberty to move for bail. Similar observations are made for these Applicants also.

5. In view of that, Application is disposed of.

6. Interim Application, if any, is also disposed of.

[S. M. MODAK, J.]