

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 587 OF 2024
WITH
CRIMINAL APPLICATION NO. 1780 OF 2024
IN BA/587/2024

Manoj Nanasaheb Bhalekar And Another
VERSUS
The State Of Maharashtra

...
Advocate for Applicants : Mr. Tandale Manoharrao A.
APP for Respondent/State : Mr. S.M. Ghanachari
Advocate for Complainant : Mr. S.S. Tope

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

DATED : JUNE 19, 2024

PER COURT:-

1. Heard learned counsel for the applicants.
2. As the prosecution and the complainant has raised the objection that there are no change in circumstances, he has quoted some case laws and further argued that while considering the earlier bail application, the entire facts were not brought to the notice of the Court. He also argued that this Court, while rejecting the bail application by order dated 13.02.2024, has not assigned proper reasons. He also argued that there is no bar to file successive bail applications.
3. The Court has gone through the case laws relied upon by the applicant i.e. the case of Kalyan Chandra Sarkar Vs. Rajesh

Ranjan alias Pappu Yadav and Another, (2004) 7 SCC 528 and *Veerbahadur Kulbahadur Gurung Vs. The State of Maharashtra of this Court in Criminal Application No.7241 of 2017 dated 31.01.2018.*

This Court has gone through the ratio laid down in these cases and expressed the opinion that the Court is not satisfied that the points not raised in the earlier bail application is change in circumstances. He is right in arguing that there is no bar to file successive bail applications. However that requires a change in circumstance. As far as not passing the order on appreciating the fact by the criminal Court is also not a change in circumstance. It is in the form of review. The criminal law does not have powers to review its own order.

4. After having interaction with the counsel for the applicants, as mentioned above the Court expressed disagreement with the submission of the learned counsel for the applicants. He, on instructions, seeks leave to withdraw the application.

5. Leave granted. The application stands dismissed as withdrawn.

6. Criminal Application No1780 of 2024 stands disposed of.

(S.G. MEHARE, J.)