



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

35 BAIL APPLICATION NO. 1619 OF 2024

CHOTULAL AALGU PAL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Kasliwal Yash Vinod
APP for Respondent/State : Mr.S.P. Sonpawale

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

DATE : 14th October, 2024.

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.542 of 2023 registered with Ghargav Police Station, for the offences punishable under sections 304(2), 279, 337, 338 of the Indian Penal Code read with 184, 134(a) (b), 187 of the Motor Vehicle Act.
3. This is a successive bail application. The applicant had moved bail application bearing no.527 of 2024. This Court by order dated 24th April, 2024 rejected the bail application. By this order, after hearing the learned counsel for the applicant and the learned APP for the State, the Court had expressed disinclination to grant bail. Therefore, the then learned counsel for the applicant withdrew the application on instructions. The Court has specifically observed that the application is disposed of as withdrawn. However, the Court had directed the trial Court to conclude the trial as expeditiously as possible, preferably

within a year.

4. The learned counsel for the applicant submits that presently the charge has been framed and the witness summons have been issued. However, he submits that earlier bail application was not decided on merits. Hence, he should be heard afresh. He would submit that last application was withdrawn.

5. It seems that the learned counsel for the applicant has incorrectly interpreted the earlier order. The Court had expressed disinclination to grant bail, therefore, the then counsel for the applicant consciously requested the Court to allow him to withdraw the application without passing the orders on merits. Therefore, the rule of change of circumstances would apply.

6. The learned counsel for the applicant submits that the applicant is the sole earning member of his family. These facts were there, when the earlier bail application was withdrawn. For successive bail application, there should be substantial change of circumstances. Under the criminal jurisprudence, the Criminal Courts can not review it's order. Therefore, there is a rule that the applicant seeking bail by successive bail application should point out the substantial change of circumstances.

7. It appears that in view of the directions, the trial Court has framed the charges and there is progress in the trial. Period fixed by the Court is yet to over. Be that as it may, the Hon'ble Supreme Court

in a recent judgment in the case of ***Rup Bahadur Magar @ Sanki @ Rabin Vs. State of West Bengal in Criminal Appeal No.4144 of 2024 dated 4th October, 2024***, took a view that while rejecting the bail application, the Court cannot fix the period of trial.

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

(S.G. MEHARE, J.)

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