



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

BAIL APPLICATION NO. 1574 OF 2023

Aquib @ Golden Qureshi Yunus Qureshi

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for Applicant : Mr. Murkute J.M.

AGP for Respondent -State : Mr.

.....

CORAM : S. G. MEHARE, J.

DATE : 06.02.2024

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P. P. for Respondent State.

2. This is a successive bail application in Crime No. 28 of 2022 registered with Police Station CIDCO, Aurangabad for the offences punishable under Sections 302 143, 147, 148, 120-B and 201 of the Indian Penal Code.

3. The order dated 23rd January 2023 is very specific that after hearing the learned counsel for the applicant and the learned A.P.P for the State, the Court expressed disinclination to grant bail. The learned counsel for the applicant, on instructions, seeks leave to withdraw the application. Leave was granted and application was dismissed.

4. However, surprisingly many lawyers misinterpret such type of orders that it is a not decision on merits. It is absolutely incorrect interpretation. The Court had considered the material placed before it. The Court also applied its mind and then expressed disinclination to grant the bail. Therefore, the argument of learned counsel for the applicant that earlier bail application was withdrawn. Hence, he may be allowed to re-argue the bail matter on merits is not acceptable. For successive bail application change in circumstances is *sine qua non*.

5. The learned counsel for the applicant could not show the substantial change in the circumstances after rejection of his earlier bail application. He further submitted that co-accused

Shaikh Karim has been granted bail. He has attributed the identical role to the role of the applicant.

6. The first difference in between their role is that Shaikh Karim was not named in the first information report. The applicant was named in the first information report. The investigating officer had collected sufficient evidence against the applicant to show his involvement. All these material was considered while considering his earlier bail application. The role attributed to the applicant is not identical to the role attributed to the co-accused Shaikh Karim. Therefore, parity also could not be extended to him.

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

(S. G. MEHARE)
JUDGE

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