

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1194 OF 2024

YUGANDHARA
SHARAD
PATIL

Tejal Kiran Vaidya

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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by
YUGANDHARA
SHARAD PATIL
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Mr. Ganesh Sovani, for the applicant.

Ms. Pallavi N. Dabholkar , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 6th MAY, 2024

P.C. :

1. The Applicant had earlier approached this Court vide ABA No. 124 of 2024. In that Application, on 17/01/2024, following order was passed:

“1. After arguing for some time, when I expressed my disinclination to grant relief, learned counsel for the applicant prays for unconditional withdrawal of this application.

2. Permission is granted. The application is allowed to be withdrawn unconditionally and is disposed of accordingly.”

2. Now again the fresh application is filed. It is claimed

that there is change in circumstances because now certain Whats App messages and photographs are annexed as well as Bank statements are annexed to this Application. Learned counsel for the Applicant submitted that though these Whats App messages and the bank statements were available with the Applicant when he preferred earlier anticipatory bail application, they were not annexed with that Application on the advice of his lawyer. He submitted that this is a change in circumstance and therefore this application is maintainable.

3. In my opinion, this cannot be termed as change in circumstance. Those documents were always available with the Applicant. But it was through a conscious decision that those documents were not brought to the notice of the Court and they were not annexed to the said application. Therefore, it cannot be termed as change in circumstance. On the previous occasion, the matter was argued and after that the application was withdrawn unconditionally. There is sanctity attached to the submissions made before the Court and the prayer for withdrawal made before this Court.

4. In this view of the matter, the present application cannot be entertained and it is dismissed. However, it is clarified that if the Applicant is arrested or if he surrenders and if he files an application for regular bail, withdrawal of this application and the previous anticipatory bail application will not come in his way to pursue his regular bail application.

(SARANG V. KOTWAL, J.)