

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1991 OF 2024 WITH
CRIMINAL APPLICATION NO. 4750 OF 2024
IN ABA/1991/2024

Shaikh Pappu Shaikh Ajij

VERSUS

The State Of Maharashtra And Another

- Mr. Rohit Patwardhan h/f Mr. S. S. Jadhav, Advocate for the Applicant
- Mr. B. A. Shinde, AGP for the Respondent/State
- Mr. S. M. Nannaware, Advocate for the Informant

CORAM : R. M. JOSHI, J

DATE : JANUARY 17, 2025

PER COURT :

1. Since it has come on record that the previous bail application was withdrawn after filing of the charge-sheet, this Court has made query to the learned Counsel for the Applicant as to how the subsequent application without change in circumstances is maintainable.

2. Learned Counsel for Applicant submits that though charge-sheet was filed at the time of withdrawal of the application, the charge-sheet was not before this Court. It is his submission that on the basis of

police papers this Court has shown disinclination to grant relief. However, as it was informed to the Applicant that the charge-sheet is filed, liberty was sought to prefer an application before Sessions Court.

3. Learned Counsel for Informant does not dispute the said fact. Learned APP also does not dispute the said fact, however, he contends that this Court was satisfied from the record that the Applicant is not entitled for bail and hence, disinclination was shown.

4. The question before this Court is as to whether the withdrawal of the first application and disinclination shown by this Court was on the basis of the actual perusal of the charge-sheet or not. Admittedly, charge-sheet was not before this Court when order of withdrawal was passed. In such circumstances, this Court finds it difficult to reject application on the ground that earlier application was rejected after filing of the charge-sheet.

5. In view of above, application is entertained.

6. At the request of learned Counsel for the Applicant, stand over to 23.01.2025.

(R. M. JOSHI, J.)