

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

Criminal Application No. 5471 of 2016

District : Jalgaon

Yusuf Khan Noor Khan,
Age : 56 years,
Occupation : Business,
R/o. Sakli, Taluka : Yawal,
District : Jalgaon. .. Applicant.

versus

The State of Maharashtra. .. Respondent.

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Mr. Satej S. Jadhav, Advocate, for the applicant.

Mr. S.J. Salgare, Addl. Public Prosecutor, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 3RD OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 67/2016 registered with Police Station, Yawal, District Jalgaon, for offences punishable under Sections 307, 143, 147, 148, 149, 323, 324, 504, 506 of the Indian Penal Code and under Sections 37 read with Section 135 of the Maharashtra Police Act, by this application, is seeking anticipatory bail.

2. Heard the learned Counsel appearing for the applicant / accused. By pointing out the order dated 28th July 2016, in Criminal Application No. 3946 of 2016, the learned Counsel for the applicant argued that on earlier occasion, it was not pointed out that the incident was an outcome of free fight between two groups with one counter FIR and therefore, this Court was pleased to reject the earlier application for anticipatory bail of the accused. It is further argued that subsequently, co-accused had filed an application for anticipatory bail and the same is allowed vide order dated 8th September 2016. This is change in circumstance and therefore the present applicant also deserves to be released on anticipatory bail.

3. The learned Addl. Public Prosecutor opposed the application by contending that the earlier application of the applicant was rejected by this Court and therefore, subsequent application cannot be entertained.

4. Perused the FIR. In fact on earlier occasion, the applicant had moved similar application vide Criminal Application No. 3946 of 2016 and the same was rejected by this Court on 28th July 2016. Further development, different consideration, some more details, new documents, etc. does not weigh the issue.

5. As earlier anticipatory bail application of the present applicant was rejected, no case for entertaining second bail application is made out.

6. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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