

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.768 OF 2021
(Shafik Musa Pathan Vs. The State of Maharashtra)

Mr. Patel Shaikh Ashpak Taher, Advocate for the applicant
Mr. K.B. Jadhavar, A.P.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 03.09.2021

PER COURT :

Heard.

2. This is a successive application for anticipatory bail, earlier having been rejected as recently as on 07.06.2021.

3. According to the learned Advocate for the applicant, there is material change in the circumstances inasmuch as the applicant is alleged to have used a gupti, but it has been recovered from some other accused. At earlier point of time, it was a main ground on which his request for anticipatory bail was turned down. He would also submit that in the meanwhile, eight accused have been granted anticipatory bail and three accused have been released on regular bail.

4. I have carefully considered the papers. This Court will have

inherent limitation for considering a successive application as laid down in the case of *G.R. Ananda Babu Vs. State of Tamil Nadu and another; 2021(1) Crimes 135 (SC)*.

5. Once earlier application for anticipatory bail was rejected, it was expected of the applicant to have surrendered. However, he seems to have waited for opportune moment and has moved this successive application on the ground mentioned by his learned Advocate hereinabove.

6. To my mind, since the offence is serious and has been committed by forming an unlawful assembly and even Section 149 of the I.P.C. is being invoked, the question as to from which of the accused the weapon is seized is inconsequential.

7. There is no material change in the circumstance to reconsider the request for anticipatory bail. The application is rejected.

[MANGESH S. PATIL]
JUDGE

