

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

902 ANTICIPATORY BAIL APPLICATION NO.919 OF 2021

**SHAIKH SALIM S/O. SHAIKH RASHID
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicant : Farooqui h/f Gaware Niteen V.
APP for Respondent State: Y.G.Gujrati
Deshpande Gaurav L for Assist To Pp**

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**CORAM: MANGESH S PATIL,J.
DATE : 22.10.2021**

P.C.:

This is a successive application for anticipatory bail in connection with Crime No.363/2020 registered with Vaijapur Police Station, District Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 294, 452, 504, 506 of the Indian Penal Code and under Section 25 read with Section 4 of the Indian Arms Act.

2] Since it is an application for anticipatory bail, the earlier having been withdrawn on 22/1/2021, when this Court after hearing arguments had expressed its disinclination to grant anticipatory bail on merits. In reply to a query, the learned advocate for the applicant submits that filing of the charge sheet and grant of regular bail to the co-accused as also the accused from the counter case, are the supervening events being relied upon by the applicant to make such a successive

application.

3] Suffice for the purpose to rely on the decision in the case of G.R.Anand Babu Versus State of Tamil Nadu and another; 2021 (1) Crimes 135 (SC). Mere filing of the charge sheet cannot be considered as a supervening circumstance to enable the self same Court to reconsider the request for grant of anticipatory bail.

4] Grant of regular bail to the co-accused or may be to the accused from the counter case cannot be said to be a supervening circumstance. The applicant is praying for anticipatory bail and there is no parity.

5] The very fact that the previous application was dismissed way back in January 2021 and still the applicant has been able to evade his arrest is eloquent enough to not to resort to reconsideration of his request afresh. The Application is rejected.

6] The learned advocate for the applicant submits that he may be granted interim protection for 3 weeks atleast to enable him to approach the Supreme Court.

7] For the reasons mentioned earlier, no such relief can be granted. The request is rejected.

[MANGESH S. PATIL,J.]