

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1407 OF 2021

1. Dnyaneshwar Ashok Dahiphale
2. Ganesh Ramesh Dahiphale Applicant
Versus
The State of Maharashtra. Respondent

WITH

CRIMINAL APPLICATION NO.3150 OF 2021

Shahdeo Pandarinath Dahiphale Applicant
Versus
The State of Maharashtra and others Respondents

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Mr. S.S. Thombre, Advocate for the applicants.
Mr. A.V. Deshmukh, A.P.P. for the State.
Mr. S.R. Wakale, Advocate for the complainant (assist to PP).

CORAM : **PRAKASH D. NAIK, J.**

DATE : 16-12-2021

ORDER :

1. This is an application for anticipatory bail in Crime No.699/2021 registered with Pathardi Police Station, Taluka Pathardi, District Ahmednagar for the offence punishable under Section 307, 326, 325, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code. The First Information Report (for short "F.I.R.") was registered on 22nd September 2021.

2. This is second application for pre-arrest bail before this Court. The previous application was rejected by this Court vide order dated 22nd September 2020 (Coram : V.L. Achliya, J.).

3. Learned Advocate for the applicants submitted that this is second application for anticipatory bail before this Court after filing of charge-sheet. There is change in circumstances. There are new grounds urged in this application. On completing investigation, charge-sheet is filed before the concerned Court. The applicants were in service in Military Department and presently they are serving at Command Hospital, Pune. There was no attempt to arrest them.

4. The previous application was rejected by this Court on 22nd September 2020 and this application has been preferred on 31st October 2021. I have perused the order dated 22nd September 2020 passed by this Court while rejecting the previous application for anticipatory bail. The order was passed by assigning detailed reasons. It was observed that the applicants are attributed specific role and they have assaulted injured by weapons. Thus, the Court has analyzed all the factual aspects. The applicants not cannot contend that the charge-sheet is filed. The applicants were not arrested. In the previous order, it was observed that custodial interrogation of the applicants is not required. On account of filing of charge-sheet it could not be possible to substitute the reasoning assigned by this Court. Hence, no case is made out to entertain this application for anticipatory bail. Hence, the order.

ORDER

- (i) ABA No. 1407 of 2021 is rejected and stands disposed of.
- (ii) Criminal Application No. 3150 of 2021 is disposed of.

(PRAKASH D. NAIK, J.)

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