

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

ANTICIPATORY BAIL APPLICATION NO.803 OF 2021

AMOL DESHMUKH PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Bhadane Chetan V.

APP for Respondent/State : Mr. S.W. Mundhe

Advocate for Respondent No.2 : Mrs. S.N. Devmane (Munde)

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CORAM : MANGESH S. PATIL, J.

DATE : 08.03.2022

PER COURT :

This is a successive application for anticipatory bail, the earlier having been withdrawn when this Court expressed its disinclination to grant it on merits, by the order dated 13.01.2021, in Crime No.155/2020 registered with Parola Police Station, Jalgaon for the offence punishable under Section 363, 366 (A), 376 (2) (I), 376 (2) (J) of the Indian Penal Code and under Section 3,4, 7, 8,11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. In view of the decision of the Supreme Court in matter of **G.R. Ananda Babu Vs. State of Tamil Nadu; 2021 (1) Crimes 135 (SC)**, this being a successive application for anticipatory bail, it was incumbent on the part of the applicant to demonstrate existence of some supervening circumstances entitling him to make another attempt at securing anticipatory bail.

3. The only circumstance that is now being pointed out apart from the lapse of the time is the fact that the main accused Dnayneshwar has subsequently been released on regular bail by the Special Judge.

4. I am afraid, there cannot be any such parity between the applicant and accused Dnyaneshwar, the prayers being distinct and separate, made under peculiar circumstances. The latter has been granted regular bail after subjecting himself to the interrogation by the Investigating Officer whereas the former is seeking an extraordinary relief of anticipatory bail. Therefore this circumstance cannot be said to be a material circumstance which would enable this Court to take a different view than was taken on the earlier occasion.

5. Though the learned advocate for the applicant submits that the investigation is almost over, in my considered view this cannot be a relevant circumstance to reconsider the request for grant of anticipatory bail. If once having failed to obtain an anticipatory bail it would not be appropriate for the applicant to take a specious plea that by passage of time, during which the investigation must have proceeded further, requirement of his custodial interrogation would get diminished.

6. The offence is, indeed, serious. The victim specifically attributed a role to the applicant demonstrating as to how he had abetted commission of crime. Not only this but even in her statement under Section 161 she attributed the applicant of having entertained some affection towards her albeit she was already having so called affair with the accused

Dnyaneshwar.

7. Taking into account the seriousness of the crime, the stage of the investigation and the fact that except Dnyaneshwar, the rest of the accused are still absconding, the applicant is not entitled to reconsideration of his request for anticipatory bail. The Application is rejected.

8. Since Mrs. S.N. Devmane was appointed to represent the respondent No.2 victim through the legal aid she may be paid Rs.2,000/-.

(MANGESH S. PATIL, J.)

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