

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

ANTICIPATORY BAIL APPLICATION NO.612 OF 2023

**MANJUSHRI SURESH PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. G. L. Deshpande
APP for Respondent: Mrs. Vaishali N. Patil-Jadhav
...

CORAM : S. G. MEHARE, J.

DATE : 16.06.2023

PER COURT :

1. Heard the learned counsel for the applicant at length. He has tried his level best to convince the Court that there is change in the circumstances. He has also pressed into service Section 299 of the Cr.PC and stated that unless Section 82 of the Cr.PC is complied with charge sheet cannot be filed against that absconding accused.

2. After a thorough discussion in open Court about the law on Section 299 and Section 89 of the Code of Criminal Procedure, the Court has expressed opinion that Section 299 of the Code of Criminal Procedure has no relevance for bail. It is altogether a different proceeding for recording of statement of the witness in the absence of accused. Herein a case, till date the accused has not been produced before the Magistrate, therefore, there is no question to deal with her

as argued by the learned counsel Mr. Deshpande.

3. This is a successive bail application. He has to first satisfy to the Court that there are material changes in circumstances to re-hear the applicant seeking the similar or same relief. His earlier bail application was withdrawn after hearing another lawyer by at length. Therefore, consciously the bail application was withdrawn.

4. At the cost of repetition, this Court would say that there are no change in the circumstances to entertain the successive anticipatory bail application.

5. After a long and lengthy deliberations on legal provisions, the learned counsel for the applicant, on instructions, seeks leave to withdraw the application. Leave granted. Application stands dismissed as withdrawn.

6. The presence of the investigating officer is discharged.

(S. G. MEHARE)
JUDGE