

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

ANTICIPATORY BAIL APPLICATION NO.642 OF 2023

ABDUL HAQ GULA QADER BALOCH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms. Jakhade Rutuja L.
APP for Respondent/State : Mr. Y.G. Gujarati
...

CORAM : S.G. MEHARE, J.

DATED : JULY 07, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking anticipatory bail in Crime No.261 of 2022 registered with Akkalkuwa Police Station, District Nandurbar for the offence punishable under Section 307, 353, 143, 147, 148, 149, 332, 336, 427 r/w 120(B) of the Indian Penal Code, Section 37(1)(3), 135 of Maharashtra Police Act and Section 3(e), 7 of Prevention of Damage to Public Property Act.
3. The applicant was the member of the unlawful assembly in a riot happened at Akkalkuwa. As per the FIR, it was a religious riot and public property was damaged and law and order was disturbed. As per the prosecution case, the applicant has played an active role in the riot. He had instigated the community people. The

mob was having wooden logs, sticks, stones, bricks, bottles and iron pipes and they started damaging the public and private properties in Akkalkuwa city and police offices were also grievously injured. During the course of investigation, it was transpired that the applicant has played an active role.

4. Learned counsel for the applicant would submit that the applicant has no role to play in the alleged incident. As per the interim order of this Court, he had attended the Court. The charge sheet has been filed. Hence, it is a change in circumstances. Therefore, his second anticipatory bail application may be considered.

5. Earlier anticipatory bail application of the applicant was rejected by this Court after giving due consideration to the facts and circumstances of the case. The prosecution had material to satisfy the Court that the applicant had also played an active role in the riot. Temporary bail was granted on the condition to satisfy the Court that there were change in circumstances. Since the accused has not been arrested, no charge sheet has been filed against him. Therefore, filing of the charge sheet against the co-accused is no change in circumstances for this applicant. Considering the gravity of the offence and the submissions made by the State, the applicant is not entitled to anticipatory bail. Hence, the following order :

ORDER

- (i) Anticipatory Bail Application stands dismissed.
- (ii) At the request of learned counsel for the applicant, interim relief granted to the applicant by order dated 12.06.2023 shall continue for six weeks.

(S.G. MEHARE, J.)