

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

ANTICIPATORY BAIL APPLICATION NO.1222 OF 2023

**HARIBHAU BAPURAO LOKHANDE AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. P.P. More
APP for Respondents – State : Mr. S.R. Yadav Lonikar

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10th AUGUST, 2023

PER COURT :

1. This is the second anticipatory bail application filed by applicants in C.R. No.402/2022, registered on 04/08/2022, with Partur Police Station, District Jalna, for offence punishable under Sections 302, 307, 354, 452, 324, 326, 336, 143, 144, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code. First Anticipatory Bail Application No.1598/2022, was argued on merits on 15/12/2022. When this Court was not inclined to grant relief, learned advocate for applicants, on instructions, sought permission to withdraw the application. Accordingly, the application was dismissed as withdrawn.

2. Learned advocate for applicants submits that charge-sheet was filed against total 15 accused persons and trial of all the other accused, except applicants, is conducted and prosecution witnesses have not supported the prosecution case. Therefore, all

the other accused have been acquitted. According to him, this is the change in circumstance, which entitles applicants for grant of anticipatory bail. He further submits that since no action under Section 82 of the Code of Criminal Procedure is initiated, applicants are not declared as absconding accused and proclaimed offender. Therefore, they have filed this application for anticipatory bail.

3. Learned Assistant Public Prosecutor, on the other hand, opposed the application.

4. Admittedly, earlier application of applicants was considered after filing of charge-sheet. FIR is registered on 04/08/2022. Role attributed to the applicants is of assault with axe and stick. Injury certificate corroborates the allegations made against the applicants. Fact remains that applicants have avoided arrest since last more than one year. Merely because other accused persons are acquitted, that cannot be said to be a change in circumstance to entitle applicants for grant of anticipatory bail. Charge-sheet is filed against applicants under Section 299 of Cr.P.C. and the applicants must surrender for effective investigation.

5. No case is made out by applicants to grant discretionary relief of anticipatory bail. Application being devoid of merit, is rejected.

(NITIN B. SURYAWANSHI, J.)