

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1314 OF 2023

1. GAJANAN MADHAV RENG
2. RAHUL GAJANAN RENG
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Babasaheb A. Dhengle,
Mr. Tulshidas J. Poul
APP for Respondent/State : Mr. S. P. Tiwari
...

WITH
APPLICATION NO.3454 OF 2023 IN BA/1314/2023

RAMESHWAR SHIVAJI RENG
VERSUS
1. GAJANAN MADHAV RENG
2. RAHUL GAJANAN RENG
3. THE STATE OF MAHARASHTRA

...
Advocate for Applicant/complainant : Mr. Pralhad D. Bachate
Advocate for Respondents Nos.1 and 2 : Mr. B. A. Dhengle
Advocate for Respondent No.3/State : Mr. S. P. Tiwari
...

CORAM : S. G. MEHARE, J.

DATE : 20-09-2023

PER COURT :-

1. Heard the learned counsel for the applicants, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.

2. This is a successive bail application of the applicants seeking bail in C.R.No.0276 of 2022 registered with Police Station Daithana Police Station, District Parbhani, for the offences punishable under Sections 302, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

3. The first change is the change of lawyer. Present lawyer would submit that earlier the proper guidance was not given to the applicants, hence, no proper arguments were advanced. He would further submit that the first information report was lodged against the opponent. There was dispute over mutation entry. The learned counsel would submit that considering the facts, Section 302 of the Indian Penal Code would not attract.

4. The learned A.P.P. and the learned counsel for the victim would argue that whatever the facts argued by the learned counsel for the applicants were well within the knowledge of accused. It is not digestible that earlier application was filed without knowledge and complete information. This is not the forum to determine which section would apply.

5. The learned APP and learned counsel for the victim appears to have correctly argued that the change in circumstances as argued, were presumed to be in the knowledge of the applicants when the earlier bail application was filed. While hearing the earlier bail application, the Court heard the learned counsel for the

applicants at length and had also gone through the chargesheet. The Court does not agree with the learned counsel for the applicants that the facts he argued are the change in circumstance. Hence, the application stands dismissed.

6. Criminal application No.3454 of 2023 is allowed.

(S. G. MEHARE)
JUDGE

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