

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

917 BAIL APPLICATION NO.1832 OF 2022

GHUNGROOSINGH JEETSINGH TAK
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Pawar Hemantkumar F.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 03.01.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State at length.
2. The applicant is approaching this Court after rejecting his bail application by this Court on 27.04.2022. It was a detail order considering almost all grounds which the learned counsel for the applicant has raised again. The ground of recovery of the weapon under Section 27 of the Indian Evidence Act from the accused and cross complaints were also considered by this Court while rejecting his earlier bail application. The applicant has raised the grounds of two days' delay in lodging the report, that was also the ground available

to him. The facts have been considered in detail while considering his earlier bail application.

3. To satisfy the Court, learned counsel Mr. Pawar for the applicant has produced the copy of counter case and tried to convince the Court that the role attributed to the applicant is quite different as has been alleged in the FIR. It must be clarified here that though the cross FIR and cases are registered, those are to be conducted separately and the witnesses are to be examined independently. Therefore, at this juncture, whatever the role attributed to the applicant in cross case would assist him. In the case at hand, the injured is the direct witness, who has specifically categorized the role attributed to the applicant.

4. In addition to above, the learned counsel Mr. Pawar for the applicant has vehemently argued that the parties have settled their dispute amicably. They have filed a petition under Section 482 of the Cr.P.C. before this Court. It is pending. It has been vehemently argued that since the parties have settled their dispute, there are no chances of conviction. Therefore, it would not be appropriate to keep the applicant behind bar.

5. The learned APP has correctly pointed out that the relief sought under Section 482 of the Cr.P.C. cannot be anticipated.

The petition is merely pending. Therefore, mere pending of the petition under Section 482 of the Cr.P.C. is no ground to grant the bail. The offence is apparently serious. There is absolutely no change-in-circumstances. A new ground searched for bail i.e. pendency of petition under Section 482 of the Cr.P.C. cannot be considered since there were no interim orders passed therein. The another ground raised by the applicant that the applicant is behind bar for 14 months cannot be considered since it has been argued that the trial could not commenced as the charge sheet in cross case was to be filed.

6. In view of that matter, the Court is not satisfied with the argument advanced by the learned counsel Mr. Pawar for the applicant and did not find a change-in-circumstance. Hence, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-