

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

36 BAIL APPLICATION NO.2060 OF 2022
WITH APPLN/4420/2022 IN BA/2060/2022

ANIKET @ ANNYA SUDHAKAR AVHAD
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Deshpande Chaitanya C.
APP for Respondent-State : Mr. S. B. Narwade.
Advocate for Complainant to assist APP : Mr. Ingle K. A.
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CORAM : S. G. MEHARE, J.
DATE : 09.01.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the complainant.

2. The earlier bail application of the applicant was dismissed by this Court by its order dated 30.03.2022. However, the liberty was granted to him to renew his bail application after one year, if the trial does not conclude. Learned counsel for the applicant has fairly admitted that a period of one year has to complete in the month of March 2023. However, the applicant is claiming the bail on parity.

Therefore, the said order would not come in the way of this bail application.

3. Learned counsel appearing for the complainant has seriously opposed the contention of the applicant that he may renew an application for bail before one year as per the order dated 30.03.2022.

4. It appears that the order dated 30.03.2022 was peculiar and granting an opportunity to renew the bail application in the event of not concluding the trial within one year. If the applicant would have filed an application on the ground that the trial has not been concluded, then the application before period of one year would have been pre-matured. However, the Law permits repeated application for bail, if there are change-in-circumstances. In view of this fact, the Court do not find substance in the objections raised by the learned counsel for the complainant.

5. It is not in dispute that the co-accused, who have played a similar role have been granted bail by this Court. Therefore, the applicant is entitled to claim the parity. There are no reasons to detain the applicant behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ANIKET @ ANNYA SUDHAKAR AVHAD** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.199 of 2021, registered by Police Station Shillegaon, Tal. Gangapur, District Aurangabad, for the offence punishable under Sections 302, 120-B, 201 read with Section 34 of the IPC, on the condition not to tamper with the prosecution witnesses.
- (iii) Criminal application No.4420 of 2022 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-