



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 674 OF 2024

Eknath Mahadu Garje

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....
Mr. D.R. Kale, Advocate for Petitioner
Mr. S.P. Sonpawale, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd May, 2024

ORDER :

1. This is third anticipatory bail application filed by applicant. First anticipatory bail application no.67/2024 filed by applicant was withdrawn by him on 02.02.2024, as this Court was not inclined to grant relief. Thereafter, anticipatory bail application no. 397/2024 filed by applicant was dismissed by this Court on 13.03.2024, with following observations:

"1. *Heard.*

2. *This is the second bail application filed by applicant. Applicant earlier filed anticipatory bail application no.67/2024 in this Court. After arguing on merits, when this Court was not inclined to grant relief, he withdrew his application on 02.02.2024.*

3. *Learned advocate for applicant was called upon to show change in circumstances after 02.02.2024. He submits that applicant is 74 years old person and he is suffering from various ailments. This cannot be change in circumstances.*

4. *Assault with iron rod is attributed to applicant, therefore, this Court did not accept the prayer of applicant while permitting him to withdraw his application on 02.02.2024. Since no change in circumstances brought on record by applicant after withdrawal of his first application, there is no merit in the present application, and same is dismissed."*

2. This anticipatory bail application is filed by applicant claiming change in circumstance, as charge-sheet is filed, and therefore, investigation is complete. Learned advocate for applicant submits that applicant is 74 years old, and therefore, he may be released on anticipatory bail.

3. There is no change is circumstance as charge-sheet against applicant is filed under section 299 of the Code of Criminal Procedure, and therefore, investigation to the extent of applicant is needs to be conducted. Iron rod allegedly used by applicant while committing the crime is yet to be recovered. FIR is lodged on 02.12.2023 and since then applicant is absconding and/or avoiding arrest.

4. Application being devoid merit is dismissed.

**[NITIN B. SURYAWANSHI]
JUDGE**