



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1015 OF 2024

Baburao s/o Dipaji Pawar,
Age 70 years, Occ. Retired,
R/o Sarang Housing Society,
Plot No. 25, Garkheda Road,
Aurangabad,
Taluka and District Aurangabad.

... Applicant

Versus

1. The State of Maharashtra
Through Superintendent of Police,
Aurangabad.
2. The Police Inspector,
Pundlik Nagar Police Station,
Taluka and District Aurangabad

... Respondents

WITH
CRIMINAL APPLICATION NO. 3032 OF 2024
IN ANTICIPATORY BAIL APPLICATION NO. 1015 OF 2024

Janardan Kisanrao Pawar,
Age 76 years, Occu: Social Work,
R/o. Bhagyasmati, Plot No. 9/1,
Banjara Colony, Khokadpura,
Chhatrapati Sambhajnagar.

... Applicant

Versus

1. Baburao Dipaji Pawar,
Age : 69 years, Occu: Retired,
R/o. Sarang Housing Society,
Plot No. 25, Garkheda Road,
Chhatrapati Sambhajnagar,
Tq. & Dist, Chhatrapati Sambhajnagar.
2. The State of Maharashtra
Superintendent of Police,
Chhatrapati Sambhajnagar.

3. The Police Inspector,
Pundliknagar Police Station,
Tq. & Dist. Aurangabad.

... Respondents

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Mr. Sachin Deshmukh i/by Mr. Majit S. Shaikh, Advocate for the
Applicant in ABA/1015/2024.

Mr. Rajdeep D. Raut, APP for Respondent-State.

Mr. Pramod D. Pawar, Advocate for Applicant in Cri.Appln./3032 of
2024.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 01.08.2024

Pronounced on : 09.08.2024

ORDER :

1. The pre-arrest bail application is at the instance of accused, against whom FIR has been registered at Pundliknagar Police Station on 01.08.2023 for offences punishable under Sections 420, 463, 464, 465, 468, 469, 470, 471, 474 of the Indian Penal Code [IPC].

2. The informant has also preferred Criminal Application No. 3032 of 2024 seeking permission to assist learned APP during hearing of the Anticipatory Bail Application [ABA]. For the reasons mentioned in application, the applicant/original informant is permitted to assist the APP. Criminal Application No. 3032 of 2024 is accordingly disposed of.

3. Learned counsel for the applicant in ABA No. 1015 of 2024, at the threshold, himself clarified that present application is a successive anticipatory bail application, and he would point out that this Court, by order dated 01.04.2024, rejected the first ABA No. 2050 of 2023. He further candidly brought to the notice of this Court that applicant had approached the Hon'ble Apex Court but his such effort went futile as the Hon'ble Apex Court rejected the attempt to seek anticipatory bail by order dated 16.05.2024.

4. However, inviting attention of this Court to the observation of this Court in the order dated 01.04.2024 in previous ABA No. 2050 of 2023, more particularly para 11, he would urge that this Court had observed that there was no material in support of the case of applicant that he is a patron member or a president of the trust. On this count, he took this Court through the annexure at Exhibit "A" dated 01.02.2012 wherein applicant had applied for being inducted as a patron member. He invited attention to the remark dated 06.02.2012 of the president in the left margin that there was no objection for membership. He further pointed to the subsequent document, which is a communication dated 06.02.2012 by the President to the applicant, conveying that he has been inducted as patron member. He also invited attention of the Court to the cheque

regarding membership fees. Therefore, he submitted that such documents annexed with the application itself clearly and explicitly show that applicant is a part of the trust in the capacity of not only a member, but a patron member. That, complainant and applicant are at loggerheads. That, there is internal rift. He pointed out that he has merely applied revenue authorities for conducting inquiry regarding land at Satara and to incorporate correct names on the 7/12 extract. There was no sinister motive to usurp the land, of which attempt has been made by the complainant to pose it in that manner. He submits that liberty is a valuable right and therefore he prays to re-consider his second application in the light of above submissions.

5. Both, learned APP as well as learned counsel assisting APP on behalf of the complainant, strongly objected on the ground that first attempt has been turned down not only by this Court, but even by the Hon'ble Apex Court. They both unanimously submitted that there is no change of circumstance to enable filing of the successive bail application and further, they re-emphasized and reiterated that serious offence has been committed, including impersonation, forgery of documents and manufacturing documents and therefore, for thorough investigation, custodial interrogation is must and consequently, they both pray to reject the application.

6. After considering the above submissions, admittedly, instant application is second application for grant of anticipatory bail. After rejection of first ABA by this Court, further journey up to the Hon'ble Apex Court was also undertaken, but applicant could not succeed and therefore, second attempt has been taken before this Court itself. There is no dispute that successive bail applications are maintainable. However, while making successive bail application, it is required to be demonstrated that there is substantial or material change in the circumstances or some new supervening events have taken place which were akin to the occurrence in question. No such change in circumstances is specifically pointed out here, except documents which were already annexed with the first anticipatory bail application which is rejected by this Court.

7. The observations of this Court in para 11 of the order dated 01.04.2024 regarding patron membership were not the sole consideration for rejection of earlier application, but even the aspect of forgery, impersonation and there being charge under Section 474 of IPC which provides for punishment of imprisonment for life, was also under consideration while ascertaining the entitlement and desirability to extent benefit of anticipatory bail. For all above

reasons, no case being made out for grant of relief, this successive application deserves to be dismissed. Hence, I proceed to pass the following order :

ORDER

Anticipatory Bail Application No. 1015 of 2024 is dismissed.

[ABHAY S. WAGHWASE, J.]

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