



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1134 OF 2025

Lakhan Alias Laxman Vitthalrao Dhage

VERSUS

The State Of Maharashtra And Another

- Mr. A. V. Bagal, Advocate for the Applicant
- Mr. A. V. Lavate, APP for the Respondents/State

CORAM : ADVAIT M. SETHNA, J

DATE : 15 JULY 2025

P.C.:

1. Heard the learned Advocates for the parties.
2. **Issue Notice** to the Respondents. Mr. Lavate, learned APP, waives service of notice on behalf of Respondents/State.
3. The proceedings relate to the Crime No. 0582/2024. The first information report is dated 10 September 2024 lodged at 10.47 hours. The alleged offences are under Sections 352, 3(5), 118(2) and 115(2) of the Bharatiya Nyaya Sanhita, 2023. The date of the occurrence of the incident is 08 September 2024 at 20.30 hours. There are four accused persons in the FIR, out of which the Original Accused No. 1 is the Applicant before this Court. The Complainant/Informant is one Mr. Macchindra Ramdas Dhage. This Applicant had

moved the Sessions Court with prayer for grant of anticipatory bail. After hearing the parties, by a detailed order dated 10 August 2024 such application of the Applicant was rejected, in light of the reasons recorded in the said order.

4. Pursuant thereto, this Applicant filed another Application before this Court. This was also heard on 26 February 2025 being ABA No. 1681/2024 with ABA No. 2184/2024. The latter being is one filed by the Applicant. This Court in the said order has observed thus:

1. The learned counsel for the applicant – Lakhan @ Laxman Vitthalrao Dhage in ABA No. 2184/2024, on instructions, seeks leave of this Court to withdraw his application. In view of the above, ABA No. 2184/2024 is dismissed as withdrawn.

5. Not just that but Mr. Lavate, learned APP, would rightly point out that in paragraph 4 of the said order the Court has observed that the grievous injury is said to have been caused by the other co-accused to the informant, whose application today was dismissed as withdrawn. This would clearly indicate that this Court

by passing order on 26 February 2025 has even delved into the merit of the proceedings. Mr. Lavate, learned APP, at the outset, submit that this is a successive bail application. There is absolutely no change in circumstance.

6. A perusal of present Anticipatory Bail Application would clearly indicate that not a single change of circumstances, which is pointed out on record after the order dated 26 February 2025 has been passed, for this Court to take a different view. However, Mr. Bagal, learned Advocate for the Applicant, would strongly urge that it remained to be pointed out to this Court earlier that the Informant in the present case is a gangster. There are number of FIRs which have been registered against the said Informant. His apprehension is that if this Anticipatory Bail Application is rejected, then this Applicant would be arrested and in that event he would face harassment and threats from the friends of the Informant (gangster as he would so called) in judicial custody. It is such change of circumstances according to the learned Advocate for the Applicant on which this Application

deserves to be allowed.

7. In my view, such grounds are completely outside the purview of jurisdiction to be exercised in an Anticipatory Bail Application which the Supreme Court has reiterated that it is an exception not a rule. In successive Bail Application change of circumstances have to be made out, which is not come out from the record in this case. Such circumstances, which are pointed out by the Advocate for the Applicant, do not fall within the four corners of the law to be entertained in any manner as the law would mandate. The submissions canvassed by the learned Advocate for the Applicant, in my humble opinion, are extraneous to the well-settled principles, parameters of Anticipatory Bail as stipulated under Section 482 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (438 of Code of Criminal Procedure) and interpreted by our Courts, including the Supreme Court, from time to time. The Court in its order dated 26 February 2025 as noted earlier, has not only dismissed his earlier Anticipatory Bail Application as withdrawn, but also made findings on the merits, as noted above.

8. In my view, such reasoned and detailed findings in the order dated 26 February 2025, thus does not warrant any change and/or modification. Such successive Anticipatory Bail Application is devoid of merit and the same deserves to be dismissed by the following order:

ORDER

Anticipatory Bail Application No. 1134/2025 is rejected.

(ADVAIT M. SETHNA, J.)