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

CRIMINAL APPLICATION NO.5440 OF 2015

Salim s/o Papa Momin ..APPLICANT

VERSUS

The State of Mah. & anr. ..RESPONDENTS

Mr S.S. Choudhari, Advocate for applicant;
Mr G.O. Wattamwar, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 26th October, 2015

ORAL ORDER :

This is an application, seeking pre-arrest bail, in connection with C.R. No.25 of 2015, registered with police station, Shiradhon, Dist. Osmanabad, for offences punishable under sections 420, 464, 467, 468, 469 and 471 of the Indian Penal Code.

2. The investigation is in progress and, therefore, this Court, by order dated 24th June, 2015, has rejected Criminal Application No.2896 of 2015, preferred by the applicant herein, seeking pre-arrest bail. Thus, this is a successive bail application under section 438 of the Code of Criminal Procedure.

3. While trying to make out a case for grant of pre-arrest bail, Mr S.S. Choudhari, learned Counsel appearing on behalf of the applicant would

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urge that apart from the merits, the applicant is also a patient of lumber spondylitis and as such, the application needs to be re-considered. He then would urge that the applicant was holding two properties and it is merely by mentioning wrong property number, the documents are processed. He would urge that in absence of *mens rea* on the part of the applicant and the fact that the applicant is not arrested from the date of registration of the offence, *prima facie* speaks of non requirement of custodial interrogation. Thus, he prayed to grant pre-arrest bail to the applicant.

4. While opposing the application, learned Addl. Public Prosecutor would urge that all the grounds which are sought to be agitated herein, were very much available at the time when the earlier application of the applicant was rejected on 24th June, 2015. According to him, the investigation is still in progress and custodial interrogation of the applicant is very much necessary, in the facts and circumstances of the case.

5. Having considered the rival submissions, it is required to be noted that this Court, based upon the submissions of the applicant, has already rejected Criminal Application No.2896 of 2015, vide order dated 24th June, 2015. Subsequent thereto, there are hardly any developments, which prompts this Court to re-appreciate the case of the applicant, particularly in the form of alleged ailment.

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6. In view of above, in my opinion, there is no case for interference.
Criminal Application, being sans merit, stands rejected.

(N.W. SAMBRE, J.)

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