

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1835 OF 2015

Mr. Anup Chaubey	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep S Patil, Adv. for applicant.
Mrs.G P Mulekar, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th December, 2015.

P.C. :

1. At the outset, the learned counsel Mr. Kuldeep Patil seeks leave to amend the application to delete the words FIR No.27 of 2015 from the prayer clause so as to restrict the prayer only to FIR No.93 of 2015.

2. Leave granted. The amendments to be carried out forthwith.

3. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.93 of 2015 registered at Vishrantwadi Police Station, Pune, for offences punishable under Sections 409, 420, 465, 467, 468, 471, 472 read with 34 of the IPC.

4. Mr. Patil, the learned counsel for the applicant submits

that three separate crimes have been registered against the applicant in respect of the same offences. He further submits that the bail application arising out of FIR No.379 of 2014 has been withdrawn. He has further submitted that Crime No.27 of 2015 was registered pursuant to the FIR filed by Dnyaneshwar Jagtap who was the Branch Manager at the relevant time. The FIR No.93 of 2015 has been registered by Narendra Kale, who is the current Branch Manager of the said bank. He submits that the bail application filed in Crime No.93 of 2015 was rejected by an order dated 18th November, 2015 passed by this Court, as on the said date, the applicant was unable to place all the facts before the Court as regards registration of the other two crimes in respect of the same transaction. The learned counsel for the applicant, therefore, claims that in view of the changed circumstances, the applicant is entitled for bail in Crime No.93 of 2015.

5. Mrs. Mulekar, the learned APP for the State has submitted that the application is dismissed on merits and in the absence of change in circumstances, the applicant is not entitled for bail.

6. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and learned APP

for the State. It may be mentioned that the application for anticipatory being No.1736 of 2015 which relates to crime No.93 of 2015 was dismissed on merits by this Court on 18th November, 2015. There is no dispute that the successive bail application are maintainable if there is change in change in the circumstances. In the instant case, the only change in circumstance is stated to be registration of crime No.379 of 2015 and 27 of 2015 in respect of the same offences. The said crimes were registered prior to the decision in the said bail application. Moreover, the applicant was well aware about registration of the said two crimes. The registration of the said two crimes, therefore, cannot be considered as a change in circumstances.

7. In the light of the above, the applicant is not entitled for bail. Needless to state that if at all two FIRs are registered in respect of the same crime, the applicant always has remedy to approach the appropriate forum for quashing of the successive FIR.

8. Under these circumstances, the anticipatory bail application is dismissed.

(ANUJA PRABHUDESSAI, J.)