

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.2638 OF 2017**

**JAVED PASHU SAYYED )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA )...RESPONDENT**

Mr.Ameen Solkar, Advocate for the Applicant.

Mr.P.P.Jadhav, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 18<sup>th</sup> DECEMBER 2017**

**P.C. :**

1           The applicant/accused in Crime No.166 of 2014 for offences punishable under Sections 342, 392, 395, 384, 170, 348, 386, 385, 34 of the Indian Penal Code as well as under Sections 25 read with 27 of the Arms Act, registered with Market Yard Police Station, Pune, by this application, is praying for releasing him on bail during pendency of the trial.

2            Heard the learned advocate appearing for the applicant/accused. He drew my attention to the order dated 1<sup>st</sup> September 2016 passed in Anticipatory Bail Application No.632 of 2016 with connected applications and contended that in paragraph 7 of the said order, it is observed that the Police Officers are also acting as recovery agents. This, according to the learned advocate appearing for the applicant/accused amounts to change of circumstance warranting entertainment of the second bail application.

3            The learned APP opposed the application by contending that the second bail application on the same facts cannot be entertained.

4            I have carefully considered the rival submissions and also perused the material placed on record. I have also perused the order dated 1<sup>st</sup> September 2016 passed in Anticipatory Bail Application No.632 of 2016 along with connected applications by this court (Coram : Sadhana S. Jadhav, J.).

5           The bail application of the present applicant/accused, after filing of the charge-sheet, was considered by this court on 1<sup>st</sup> July 2016 and the said application bearing Bail application no.1260 of 2016 was rejected by considering the entire material on record. Paragraph 8 of the said order dated 1<sup>st</sup> July 2016 reads thus :

“8           An accused is entitled to bail only when the court is assured that in future he will not repeat the commission of similar offence. In the case in hand, it is seen that the present applicant had adopted similar modus operandi of cheating several persons. It is seen that he had posed himself as Nitin Jadhav, the Assistant Police Inspector. The charge-sheet contains the transcript of the audio recording, wherein according to the prosecution, the applicant had posed himself as Nitin Jadhav, Assistant Police Inspector. According to the learned APP the applicant is also involved in the offences registered in the year 2016 vide crime no. 65 of 2016, crime No. 72 of 2016 and crime no.90 of 2016 under section 420, 176 of the Indian Penal Code, wherein the allegations are to the effect that the present applicant had similarly posed himself as

government pleader of High Court, son-in-law of the of then Chief Minister of the State etc.”

6           In this view of the matter, though other accused persons might have been granted anticipatory bail by this court vide order dated 1<sup>st</sup> September 2016 in Anticipatory Bail Application No.632 of 2016 (Coram : Sadhana S. Jadhav, J.), the present application cannot be reconsidered. There are no change in circumstances. Therefore the order :

**ORDER**

The application is rejected.

**(A. M. BADAR, J.)**