

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION*

CRI. (ANTICIPATORY BAIL) APPLICATION NO.341 OF 2018

Mr. Tanaji Damaji Kurle & Ors.

..Applicants

Vs

The State of Maharashtra

.. Respondent

...

Mr. Shailesh Kharat for the Applicants.

Mr. S. S. Hulke, APP for the Respondent- State.

Ms. Swapna Kode for the Intervener.

CORAM : A. S. GADKARI, J.

DATE : 23 FEBRUARY 2018.

P.C. :

1. This is a second application for pre-arrest bail by the applicant. The earlier application was dismissed as withdrawn by this Court by an Order dated 15.02.2018. The Order dated 15.02.2018 reads as under:

“After hearing the learned Counsel appearing for the Applicant at length, when this Court was not inclined to grant any relief, the learned Counsel on instructions seeks leave to withdraw the application with liberty to surrender before the concerned Magistrate having jurisdiction on or before 11.00 am on 23.02.2018”.

2. The learned counsel for the applicant submitted that though a solemn statement was made before this Court on 15.02.2018, the applicants do not want to surrender before the concerned Magistrate

having jurisdiction, as there is a change in circumstance. That two other co-accused namely Santosh Pandurang Shitole and Sudam Bhau Desle have been granted pre-arrest bail by this Court by a separate order dated 15.02.2018 and therefore applicants may also be granted pre-arrest bail.

3. It is to be noted here that the Advocate who argued the matter for the co-accused, Santosh Shitole and Sudam B. Desle had also argued the matter in respect of the present applicants on the same day in A.B.A No. 1682 of 2017. The applicants were heard at length and thereafter the aforesaid order is passed. The present application is nothing but a chance taking litigation by the applicants which practice has to be deprecated. There is no change in circumstance least to say any substantive change in circumstance from 15.02.2018 till today. In the fact situation of the case, the application is misconceived.

4. The application is accordingly rejected.

(A. S. GADKARI, J.)