

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 363 OF 2018***

Mr. Fahim Firoz Khan	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. Mahesh Jethmalani, Senior Counsel, a/w Ms. Prachi Parmar i/b. Ms. Gunjan Mangla for the applicant.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 28th February, 2018.***

P.C. :

1. Heard. This is a subsequent application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No.158 of 2016 registered at Vishrantwadi Police Station, Pune, under Sections 406, 408, 464, 467, 468.411, 420 read with Section 34 of the Indian Penal Code.
2. The earlier application under Section 438 of Cr.P.C. was rejected on merits on 14.9.2016 by this Court. It appears that the applicant has approached the Sessions Court under Section 438 of Cr.P.C. by filing Criminal Bail Application No.2698 of 2017. The said application was

rejected by an order dated 5.2.2018.

3. This Court has observed that there is no change in circumstance after the application was rejected on 14.9.2016. The learned Senior Counsel Mr. Jethmalani submits that in fact there is no material to show that there is any complicity of the applicant in the said offence. The learned Senior Counsel has drawn attention of this Court to the Station Diary dated 11.8.2016, wherein it is reported that four signed letter-heads were missing from the office and that the said documents need to be searched. The learned Senior Counsel also submits that several points were not urged before this Court at the time when the application was rejected on merits. However, without going into the merits of the matter, this Court is not inclined to grant the discretionary relief under section 438 of Cr.P.C. as there is no change in circumstance and the review would not be permissible.

4. In view of this, the learned Senior Counsel, upon instructions, submits that the applicant herein would appear before the concerned Magistrate on or before 8.3.2018. In that eventuality, the applicant stands protected till 5 p.m. on 8.3.2018. The learned Magistrate, considering the application under Section 437 of Cr.P.C., shall not be influenced by the disposal of the present application and shall decide the application on its

own merits, as expeditiously as possible. The application stands dismissed and disposed of.

(SMT. SADHANA S.JADHAV, J.)