

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.884 OF 2019

Sajid Rahim Khimani, Age 46 years,
Occ.Business, R/o.37, Rehmat Manzil,
59, L.J.Road, Above Sagar Sweets,
Mahim, Mumbai-400 016.

Applicant

versus

The State of Maharashtra

Respondent

Ms.Sonal Parab I/by Rajeev Sawant & Associates for Applicant.

Mr.S.V.Gavand, APP, for State.

Mr.Veerdhawal Deshmukh I/by Mr.Prasanna Bhangale for
intervenor.

Mr.Bhika Ashok Bhawar, PSI, Shanti Nagar Police Station, Bhiwandi,
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th July 2019

PC :

1. This is the second application for anticipatory bail. Pursuant to the order dated 24th June 2019 passed by regular Court, the application has been placed before me in view of the order dated 19th July 2018 rejecting the previous application.

2. The applicant is apprehending arrest in CR No.I-208 of 2018 registered with Shanti Nagar Police Station for offences under Sections 417, 420, 465, 467, 471, 193, 196 r/w Section 34 of Indian Penal Code.

3. Learned advocate for applicant submitted that although the application for anticipatory bail was rejected by this Court on 19th

September 2018, the applicant has not been arrested. It is further submitted that the applicant is willing to co-operate with the investigating machinery by attending police station. It is submitted that the complainant has lodged the FIR as well as private complaint which are contradictory. It is submitted that the co-accused Amjad Gore has been arrested and he has been granted bail. Charge sheet is already filed against him. It is submitted that Shyam Kale who has been attributed the role of procuring the stamp paper at the instance of accused, has not been impleaded as an accused at the instance of accused.

4. Learned APP submitted that there is no change in circumstance. The earlier application was rejected by taking into consideration the role played by the applicant and also observing that custodial interrogation of the application is necessary. It is further submitted that the custody of the applicant is necessary. The applicant was not available to police. It is further submitted that the co-accused has been granted bail after his arrest. Learned counsel for the intervenor reiterated the submissions advanced by learned APP.

5. I have perused order dated 19th September 2018. The application was rejected by taking into consideration the overt act attributed to the applicant. In paragraph 6 of the said order the reasons are assigned for not granting the relief prayed therein with an observation that the custodial interrogation of the applicant is necessary. I do not find any change in the circumstance to reconsider the prayer for grant of anticipatory bail. Hence, the application is rejected.

6. In the event the applicant is arrested and he applies for bail, the concerned Court shall deal with the said application uninfluenced by the observations made in this order.

(PRAKASH D. NAIK, J.)

MST