

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

ANTICIPATORY BAIL APPLICATION NO.2127 OF 2019

Raju Tryambak Kedari ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Uday P. Warunjikar, Advocate, i/by Janaki R. Krishnan
for the Applicant.

Mr. S. H. Yadav, APP for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : OCTOBER 01, 2019.

PC :

1 The applicant is seeking anticipatory bail in connection with the CR No. 1112 of 2018, registered with Pimpri Police Station, Pimpri Chinchwad, Pune, under sections 384, 385, 341, 323 and 34 of the Indian Penal Code.

2 By a reasoned order dated 17th July, 2019, this court had rejected the applicant's anticipatory bail application i.e. ABA No. 2546 of 2018. Now this same applicant has preferred present application for the same relief, in the changed circumstances, according to him.

3 The changed circumstances, as submitted by Mr. Warunjikar, learned counsel for the applicant, are that : (i) an affidavit filed by the first informant -Ishtiyag @ Mustak Malhu Khan in writ petition no. 4296 of 2019, wherein the first informant has stated that the allegations in the FIR are not true and - (ii) another change in the circumstances claimed by the applicant, according to Mr. Warunjikar, is that co-accused Kiran Rohidas Landage is granted regular bail by the Additional Sessions Judge in Bail Application No. 5321 of 2018 vide order dated 01.01.2019.

4 As far as second change in the circumstances is concerned, though the order was passed on 01.01.2019 by the Additional Sessions Judge, this court has rejected the applicant's application for anticipatory bail on 17.07.2019. Therefore, it could hardly be called a change in the circumstances; as the order was passed by the Additional Sessions Judge much before the anticipatory bail application was rejected by this court on 17.07.2019.

5 So far as the other ground of informant filing affidavit-in-reply in criminal writ petition no. 4296 of 2019 is concerned; said writ petition is dismissed by the Division Bench of this Court vide order dated 11.09.2019.

The relevant observations made in para nos. 2 and 3 in that order read are as follows :

“2. The petition is filed for quashing the criminal proceedings bearing C.R.No. 1112 of 2018 registered with Pimpri Police Station, Pimpri Chinchwad, Pune against the petitioners for the offences punishable under sections 384, 385, 341, 323 and 34 of the Indian Penal Code, 1860. The petitioners are the police officials from Crime Branch Unit No.1, Pimpri Chinchwad, Pune. The allegations are made in the first information report that they demanded Rs.10,00,000/ and extorted Rs.5,50,000/ from the petitioners and an amount of Rs.3,00,000/ from the petitioners’ friend Mr.Dhanraj Akodia, totalling to Rs.8,50,000/. The said amount was demanded and accepted on the premise not to prosecute the first information report. The allegations are serious in nature and, therefore, we are not inclined to entertain the petition.

3. The petition, therefore, stands dismissed.”

6 The applicant was not even a party to that criminal writ petition no. 4296/2019. The Division Bench has not made any comments on the affidavit-in-reply filed by the first informant. At this stage, it is not possible to observe anything about the contents of the said affidavit. This is a serious matter which requires further investigation to find out whether the informant in any

manner is pressurised by any of the accused. However, it is for the investigating agency to find that out. At this stage, there is no reason to entertain this application. This application for anticipatory bail was rejected by the reasoned order dated 17.07.2019. Hence, no case for grant of relief is made out.

7 The application is rejected.

(SARANG V. KOTWAL, J.)

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