

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2399 OF 2019

Chandrakant Narayan Khendad

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Mr. Ritesh Thobde, Advocate for the Applicant.

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

Mr. S.P. Bodhamwad, Police Constable, Vairag Police Station, Solapur Rural is present.

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CORAM : SARANG V. KOTWAL, J.

DATE : 26th NOVEMBER, 2019
[IN CHAMBER AT 2:45 P.M.]

P.C.

1. The applicant is seeking anticipatory bail in connection with C.R. No.72/2019 registered with Vairag Police Station, District – Solapur under Sections 420, 468, 465, 471 read with 34 of I.P.C.

2. The applicant has approached this Court on second occasion for the same relief. In the past this Court had passed following order on 11.7.2019 in Anticipatory Bail Application No.1501/2019, which reads thus :

“After arguing for some time, since the court was not inclined to grant any relief, learned counsel for the applicant sought permission to withdraw the application. Permission is granted. Application is allowed to be withdrawn as prayed for.”

3. Thereafter, the applicant has approached this Court by way of present Anticipatory Bail Application. The change in circumstance pleaded in the application is that the co-accused are granted regular bail under Section 439 of Cr.PC. vide order dated 25.7.2019 passed by the Additional Sessions Judge, Barshi in Criminal Bail Application No.507/2019.

4. On 11.7.2019, this Court had expressly noted that the Court was not inclined to grant any relief after the arguments were heard for some time. Only thereafter the learned Counsel for the applicant had sought permission to withdraw application and at his request permission was granted and application was allowed to be withdrawn.

5. The co-accused getting regular bail can hardly operate in favour of the applicant to enable him to approach this Court again for the same relief, which was specifically denied on the earlier occasion. The learned Counsel for the applicant fairly accepts this position in view of the earlier order passed by this Court.

6. The learned Counsel for the applicant expressed his

apprehension that the Court hearing Regular Bail Application may be influenced by the fact that his anticipatory bail application was withdrawn. He submitted that if the observations are made that the Court hearing Regular Bail Application is not influenced by the withdrawal of Anticipatory Bail Application, he is not pressing present Anticipatory Bail Application. The submission made by the learned Counsel for the applicant is reasonable.

7. Obviously, when the Regular Bail Application comes up before the appropriate Court in respect of the present applicant, the criteria would be entirely different. Needless to say that withdrawal of applicant's Anticipatory Bail Application, shall not come in his way in pursuing the remedy of Regular Bail Application before the appropriate Court on its own merits.

8. In the background of this observation, the learned Counsel for the applicant does not press the instant Anticipatory Bail Application No.2399/2019. Anticipatory Bail Application is disposed of in aforesaid terms.

(SARANG V. KOTWAL, J.)