

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2218 OF 2018

Samiresk Kumar	Applicant
versus	
The State of Maharashtra	Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2209 OF 2018

Sarvesh Kumar Shahi	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Jayant Bardeskar for Applicant in ABA No.2218 of 2018.
Mr.Aabad Ponda i/by Adv.Milan Hebbali for Applicant in ABA No.2209 of 2018.
Mr.Arfa Sait, Additional Public Prosecutor, for State.
Mr.Nitin Thakane, Police Inspector, Unit-1, Crime Branch, Thane present.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th September 2019

PC :

1. Mr.Ponda, learned counsel for Applicant in ABA No.2209 of 2018 fairly pointed out order dated 26th September 2019 passed by Hon'ble Supreme Court clarifying earlier order dated 28th September 2018. It is pertinent to note that present applications are second applications for anticipatory bail. The earlier application was rejected vide order dated 3rd September 2018. Pursuant to that the applicants had preferred petition for Special Leave to Appeal (Cri.) No.8065 of 2018 before the Hon'ble Supreme Court, which was dismissed vide order dated 28th September 2018. In the said order it was observed

that the observations that have been made in the impugned order shall not come in way of deciding the anticipatory bail, in case application for anticipatory bail is filed. The order was clarified with similar observation on 13th November 2018.

2. However, by order dated 26th September 2019 the Hon'ble Supreme Court was pleased to clarify that due to error of transcription in the later two lines of order dated 28th September 2018, it has come that "deciding anticipatory bail, in case application for anticipatory bail is filed". As there was an error of transcription, the order was corrected and the portion "anticipatory bail, in case application for anticipatory bail is filed" was deleted and instead of aforesaid, the words to be read as "deciding the application u/s 482 of Cr.PC, in case application u/s 482 of Cr.PC for hearing the case is filed".

3. In view of the clarificatory order and considering the fact that previous applications for anticipatory bail were rejected by assigning detailed reasons by order dated 3rd September 2018, no ground for entertaining these applications is made out. Hence, the applications are required to be rejected.

4. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.2218 of 2018 and Criminal Anticipatory Bail Application No.2209 of 2018 stand rejected.

(PRAKASH D. NAIK, J.)