

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

**ANTICIPATORY BAIL APPLICATION NO.1058 OF 2020
[ABA/ST/7212/2020]**

Shariq Shahid Khan @ Shariqkhan
Shahid Khan

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. S.P. Rajepandhare, Advocate for the Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd DECEMBER, 2020.

P.C. :

1. The Applicant has approached this Court on second occasion for anticipatory bail in connection with C.R.No.43/2020 dated 2.2.2020 registered at Malad Police Station, Mumbai under Sections 420 and 406 of the Indian Penal Code.

2. Heard Shri S.P. Rajepandhare, learned Counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for State.

3. On the previous occasion, the Applicant had filed Anticipatory Bail Application (Stamp) No.2004/2020. The

matter was heard for some time and when I expressed my disinclination to grant relief, the application was withdrawn.

That order was passed on 27.11.2020, which reads thus:

- “1. After arguing for some time, when I expressed my disinclination to grant any relief in this application, the learned counsel for the applicant prays for unconditional withdrawal of this application.
2. Permission is granted.
3. The application is allowed to be withdrawn unconditionally and is disposed of as such.”

4. The Applicant has now again preferred this application purportedly in the changed circumstances.

5. Learned Counsel for the Applicant submits that he has obtained a copy of the complaint filed against the Applicant under Section 138 of the Negotiable Instruments Act (for short, ‘N.I. Act’).

. He submitted that he had received notice in that complaint in June, 2020 and after rejection of his anticipatory bail application on 27.11.2020, he obtained a copy of the complaint. He submitted that this complaint under Section 138 of N.I. Act against the Applicant. This complaint shows that the transaction continued even after rejection of his

anticipatory bail application.

6. I do not think that obtaining a copy of the complaint, in which the Applicant himself is an accused for commission of an offence under Section 138 of N.I. Act, is a change in circumstances. The Applicant had received the notice in that complaint in June, 2020 itself. The complaint copy purportedly was obtained in December, 2020. This is nothing but an attempt to some how approach this Court again under some pretext. I am of the opinion that this clearly is an abuse of process of law.

7. Learned Counsel for the Applicant submits that on this occasion, a reasoned order was to be obtained from this Court so that the matter could be challenged before the Hon'ble Supreme Court. In my view, this is sheer abuse of process of law. On the earlier occasion after arguments, the application was withdrawn unconditionally. A solemn prayer was made for withdrawal by the Applicant's counsel.

8. Present application is not filed with bonafide intentions as is borne out from the submissions made by

learned Counsel for the Applicant. These sharp practices are strongly deprecated. I am not inclined to entertain this application in view of the earlier order dated 27.11.2020. The Application is rejected.

Digitally
signed by
Pradeepkumar
P. Deshmane
Date:
2020.12.23
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+0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)