

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 ANTICIPATORY BAIL APPLICATION NO.400 OF 2021

ABDUL GAFFAR S/O. ABDUL KARIM @ MOHD. GAFFAR S/O.
KARIMODDIN INAMDAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Deshpande Gaurav L
APP for Respondent State: Mr.S.W.Mundhe
Adv.Mr.D.M.Shinde h/f L.H.Kawale for assist to P.P.

...
CORAM : MANGESH S. PATIL,J.

DATED : 12/08/2021.

PC. :

This is the third successive application for anticipatory bail, the earlier 2 having been withdrawn after this Court had expressed its disinclination to grant anticipatory bail on merits.

2] Some attempt was made by the learned advocate for the applicant to demonstrate as to how it was owing to his mistake that when the applicant was before this Court with a second application, even while he was expecting a speaking order on merits, it was ordered as if it was sought to be withdrawn.

3] Accepting the submission of the learned advocate that it was sheer mistake or error in soliciting the order on the second application for anticipatory bail, the fact remains that his earlier application was undisputedly withdrawn after this Court had expressed its disinclination

to grant anticipatory bail on merits on 28/03/2019.

4] There is no explanation as to why he could avoid his arrest or did not surrender for almost 2 years between rejection of his first application and filing of the second application.

5] Though some attempt is made to demonstrate that a charge sheet came to be filed in the mean time showing him as absconding by resorting to Section 299 of the Cr.P.C. which was illegal. In my considered view it cannot be a ground to be considered on the backdrop of the aforementioned state of affairs.

6] Suffice for the purpose to refer to the decision of the Supreme Court in the case of G.R.Anand Babu Versus State of Tamil Nadu and another; 2021 (1) Crimes 135 (SC) wherein in similar set of facts the order granting anticipatory bail on the successive application only because the charge sheet was filed in the mean time, was held to be not a ground to allow the request.

7] The Application is rejected.

(MANGESH S. PATIL,J.)

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