

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

ANTICIPATORY BAIL APPLICATION NO. 1147 OF 2021

Sagar Sudam Gawali	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Shyamrishi Pathak i/b. Rajesh Kumar S. Jaiswar for Applicant.
Ms. P. N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th MAY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant has preferred this application for anticipatory bail in connection with C.R.No. 294 of 2020 registered at Kasarwadavli Police Station, under sections 302, 120B and 201 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. The applicant had earlier approached this court vide Criminal Anticipatory Bail Application No.06 of 2021 which came to be rejected by this court (Coram: Prakash D. Naik, J.) vide a reasoned order dated 11/02/2021.
3. The applicant thereafter instead of surrendering,

preferred A.B.A.No.1003 of 2021 before this court suppressing the fact of earlier rejection of anticipatory bail application No.06 of 2021.

4. Learned APP pointed out that, earlier A.B.A.No.06 of 2021 was rejected. Learned counsel who is appearing today had earlier appeared on 09/04/2021 in A.B.A.No.1003 of 2021. The order clearly records that, learned counsel for the applicant had stated that he was not aware of the earlier rejection order and, therefore, he prayed for unconditional withdrawal of that application.

5. After all this, again a fresh application is preferred totally ignoring solemn statement made by learned counsel for the applicant for unconditional withdrawal of A.B.A.No.1003 of 2021.

6. Learned counsel for the applicant tried to submit that there was change in circumstance after rejection of A.B.A.No.06 of 2021 vide order dated 11/02/2021. He contends that the charge-sheet is filed after that. However, this cannot be a change in circumstance in applicant's favour. Importantly, after 09/04/2021 when the A.B.A.No.1003 of 2021 was withdrawn there was no

fresh development and within one month this application is filed.

7. In my opinion, this is sheer abuse of process of law. There has to be some sanctity attached to solemn statement made by learned counsel for the applicant before the High Court. This attitude and conduct cannot be countenanced. Therefore, I am not entertaining this application.

8. Considering the conduct of the applicant, I am inclined to impose cost on the applicant. I asked learned counsel for the applicant to make his submission on the amount of cost. He submitted that some leniency may be shown and cost at the most of Rs.10,000/- be imposed.

9. Considering this submission, following order is passed:

ORDER

- (i) Application is rejected.
- (ii) The Applicant shall deposit cost of Rs.10,000/- (Rs. Ten Thousand only) before the trial court.
- (iii) The trial court shall take steps to recover the cost in accordance with law if it is not deposited by the applicant, within one month from today.

(SARANG V. KOTWAL, J.)