

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2681 OF 2022

Pramod Rama Thombre ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. M.K. Khan i/b Mr. Aman Mirza, Advocate, for the Applicant.

Mr. V.B. Konde-Deshmukh, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 21.11.2022.

PC. :

1. This is the third application for anticipatory bail. This Court by order dated 14/02/2022, had disposed of the first bail application of the applicant and the said order reads thus:-

“After this Application was heard for sometime, when this Court expressed its unwillingness to favourably consider the Application, learned counsel for the Applicant, on instructions, seeks leave to withdraw the Application. The Criminal Application is disposed of, as withdrawn.”

2. It is apparent that as this Court was not inclined to grant anticipatory bail to the present applicant, the application was withdrawn.

3. Thereafter the second bail application was filed and this

Court had disposed of the second bail application by order dated 01/07/2022, which reads thus:-

- “1. The learned counsel for the applicant on instruction seeks leave to withdraw the application with liberty to file an appropriate application before the Court of Session.
2. Leave granted.
3. The application stands disposed with liberty as prayed for.
4. This Court has not entered into the merits of the matter and the learned Sessions Judge shall decide the application, which maybe preferred by the applicant on its own merits and in accordance with law.”

4. Though the second bail application was not maintainable in view of simplicitor withdrawal of first bail application, it appears that again leave was sought to withdraw the application with liberty to file the application before the Court of Session. However, it appears that while seeking liberty, it was not pointed out to this Court that earlier bail application was simplicitor withdrawn.

5. The learned counsel for the applicant submits that the prosecution has now filed the charge-sheet and therefore there is a change in circumstance to entertain the present application. If the submission of the learned counsel for the applicant is accepted and such applications are entertained, then the accused would avoid arrest till filing of charge-sheet and once the charge-sheet is filed would

approach the Court on the ground that there is a change in circumstance. The same can not be allowed. It is not the case of the applicant that the allegations which were there against him at the time of hearing of first bail application, their gravity is lessen after filing of charge-sheet. Hence, the application is rejected.

[N.R.BORKAR, J.]