

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

ANTICIPATORY BAIL APPLICATION NO.78 OF 2022

Sarfaraz Mustaaq Pathan
Alias Saif Pathan

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Pankaj S. Pandey, Advocate for Applicant.
- Smt. J.S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JANUARY 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.344/2020 registered with Mumbra Police Station, Thane, under sections 143, 147, 148, 149, 108, 323, 506 of the Indian Penal Code. Subsequently, section 354 of IPC is also added.

2. The Applicant had earlier approached this Court on two previous occasions. On first occasion he had filed Anticipatory Bail Application No.1028 of 2021, which was

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rejected by this Court vide a reasoned order dated 08/04/2021. After that, again, the Applicant preferred another Anticipatory Bail Application No.2244 of 2021, which was withdrawn unconditionally, which is recorded in the order dated 27/09/2021. Even thereafter this third attempt is made by the Applicant to seek anticipatory bail in the same connection. There is absolutely no change in circumstances brought out by the Applicant. The only submission made was that the charge-sheet is filed in the cross case. However, this cannot be the circumstance in favour of the Applicant. It is clear that the FIR was lodged in the month of March 2020. Since then the Applicant is trying to evade his arrest. He has already approached this Court on two occasions. This is the third occasion. The Applicant has made the same prayer without there being any change in circumstance. The Applicant is thus abusing process of law. I am not only inclined to reject this application, but I am also imposing cost on the Applicant for repeatedly approaching this Court without any basis. No acceptable submissions were made on that count.

3. I have heard the learned counsel for the Applicant regarding imposition of cost. No acceptable submissions were made on that count.

4. Hence, the following order :

ORDER

- (i) The application is rejected.
- (ii) The Applicant shall deposit Rs.15,000/- with the trial Court within a period of one month from today. If the amount is not deposited, the trial Court shall take action in accordance with law for recovery of that amount.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)