

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1639 OF 2022**

Pravin Haridas Jare ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Laxman K. Kalel, for Applicant.
Ms. M.R.Tidke, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 22nd JUNE, 2022

P.C.

1. Heard the learned Advocate for the Applicant.
2. At the outset, it is imperative note that the Applicant has preferred two applications i.e. ABA Nos.1318 of 2022 and 1361 of 2022. The first application was withdrawn by the learned Advocate for the Applicant on 13th May, 2022 and, accordingly, the said Application came to be dismissed as withdrawn.
3. The second application i.e. 1361 of 2022 was dismissed on 8th June, 2022 with the following order :

“Mr. Laxman Kalel, learned Advocate, is permitted to withdraw this application unconditionally subject to apology to the Court for making incorrect statements in paragraph 12 of the Application. In fact, this is 2nd bail application. First application was dismissed as withdrawn on 13th May, 2022 i.e. Anticipatory Bail Application No.1318 of 2022. In that view of the matter, Mr. Kalel shall file apology to this Court today before 4.30 p.m.

2. Application is dismissed as withdrawn.

3. Mr. Kalel has filed written apology at 4.30 p.m. It is taken on record and marked 'X-1' for identification."

3. The learned Advocate for the Applicant submits that the Application for pre-arrest bail was not heard on merits and, therefore, the Applicant deserves an opportunity to press for the relief of pre-arrest bail.

4. The Applicant had sought leave to withdraw the first Application i.e. ABA 1318 of 2022, when it was listed before me on 13th May, 2022. In all fairness to Mr. Kalel, learned Advocate for the Applicant, it must be recorded that the said Application was withdrawn after the Court expressed its disinclination to entertain the Application.

5. I am afraid, when the first application was dismissed as withdrawn and the subsequent application also came to be dismissed as withdrawn, after taking on record a written apology of the learned Advocate for the Applicant, it is open for the Applicant to seek afresh hearing of the application for pre-arrest bail. The Application deserves to be dismissed on this count alone.

5. Even otherwise, I have perused the allegations in the FIR. The offences punishable under Sections 376, 354D, 500 and 506 of the Indian Penal Code and Sections 66-E, 67, 67-A of the Information Technology Act, 2000 are prima facie made out, in as much as the Applicant allegedly sexually exploited the prosecutrix, his cousin, and thereafter, made the offending videos, involving the prosecutrix, viral

on the whatsapp group.

6. In the backdrop of the aforesaid nature of the accusation, the Application for pre-arrest bail does not deserve to be entertained on merits as well.

7. The Application stands rejected.

(N.J.JAMADAR, J.)