

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 3192 OF 2021

Narendra Narayanrao Naik Applicant
Versus
The State of Maharashtra Respondent

Mr. Imran Deshmukh i/b. Yuvraj K. Dhande for the Applicant.

Smt. A.A. takalkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 9th FEBRUARY, 2022

(Through Video Conferencing)

P.C. :

1. The Applicant had earlier approached this court by filing Anticipatory Bail Application No.1878 of 2019. The matter was argued for sometime. This Court (Coram :Revati Mohite Dere, J) on 16th September, 2019 had shown its disinclination to grant pre-arrest bail to the Applicant. Thereafter, the learned counsel for the Applicant had sought withdrawal of that Application. It was permitted. That Application was dismissed as withdrawn.

2. Thereafter, the Applicant had again approached this Court by filing Anticipatory Bail Application No.294 of 2021. When the matter was called out on 8th April, 2021 before this Court (Coram :Revati Mohite Dere, J), the learned counsel for the Applicant

sought liberty to withdraw that Application and the said Application was disposed of as withdrawn.

3 Now, the Applicant has moved the third Anticipatory Bail Application. This is absolutely an abuse of process of law.

4. The learned counsel for the Applicant submitted that there is a change in the circumstances as there is another FIR No.143 of 2019 dated 5th July, 2019 filed against one Somnath Parwe Patil. This accused Somnath Parwe Patil had appeared in the examination as dummy candidate for the Applicant. The said FIR No.143 of 2019 was lodged at Matunga Police Station on 5th July, 2019. The earlier both orders were passed after the said FIR. Therefore, there is no change in the circumstances. In any case, the subject matter of this Application i.e. CR No.108 of 2019 registered at Shivaji Park Police Station itself mentions that the directions were given by the Superintendent of the Police to lodge separate FIRs against the Applicant as well as the dummy candidate Somnath Parwe Patil. The learned counsel for the Applicant is unnecessarily trying to mix up these two issues. The Applicant has abused the process of law by repeatedly approaching this Court. The Applicant had approached this Court, on previous two occasions, those Applications were withdrawn. Therefore, I am not entertaining this Application. At the same time, considering the

conduct of the Applicant of not surrendering before the police and instead approaching this Court repeatedly; amount to abuse of process of law and the cost needs to be imposed on the Applicant.

5. I have heard the learned counsel for the Applicant regarding imposition of cost. He submitted that at the most Rs.5000/- be imposed.

6. The Applicant has not surrendered before the police. The Applicant tried to mix up two separate issues. This is the third Anticipatory Bail Application filed by the Applicant, considering all this, I am imposing cost of Rs.20,000/- on the Applicant.

7. Hence, the following order :

ORDER

- (i) The Application is dismissed.
- (ii) The Applicant is directed to pay the cost of Rs.20,000/- before the trial Court within a period of four weeks from today.
- (iii) If such cost is not deposited during that period, the trial Court shall take steps in accordance with law for recovery of the cost.
- (iv) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)