

ANTICIPATORY BAIL APPLICATION NO.2968 OF 2021

Ms. Drishti Khurana, Advocate i/b. Adnan Shaikh, for the Applicant.

Mr. Ajay Patil, APP for the Respondent-State.

DATE : 07th JANUARY, 2022
[THROUGH VIDEO CONFERENCING]

1. The applicant is seeking anticipatory bail in connection with C.R.No.336/2020 dated 1.4.2020 registered at Oshiwara Police Station, Mumbai under Sections 376, 376(2)(n), 504, 506, 323 read with 34 of the Indian Penal Code.

2. Heard Ms. Drishti Khurana, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

3. The applicant has repeatedly approached this Court. On the first occasion, this Court (Coram: Bharati Dangre, J.) vide order dated 20.8.2020 passed in LDVC Anticipatory Bail Application No.486/2020 passed the following order :

“ After hearing the matter for suitable point of time, the Learned Counsel for the applicant seeks permission to withdraw the application.

2. Application is disposed of as withdrawn.”

4. Thereafter, the applicant again approached this Court by preferring application being ABA (Stamp) No.2362/2020 which was again decided by the same learned Judge vide order 6.11.2020 and the following order was passed:

“1. On 20th August 2020, the application filed by the present applicant in form of LDVC ABA No. 486 of 2020 was withdrawn. The matter was heard for considerable point of time and on showing disinclination, the permission was granted to withdraw the application.

2. The applicant is represented by Advocate

Adnan Shaikh and he state that certain points were not canvassed before the Court and therefore, not considered, resulting in denial of relief in favour of the applicant.

It is clear position in criminal law that Review application cannot be entertained. Merely because some other counsel represented the applicant, he cannot take chance by engaging the services of another counsel. The present application therefore deserves a rejection and is accordingly rejected.”

5. After that, the applicant approached a Division Bench of this Court for quashing of the prosecution by filing Criminal Writ Petition No.1298/2021. That petition was also rejected by the Division Bench vide order dated 13.8.2021 with scathing remarks as follows:

“ xxxxx There are clear and explicit allegations to the effect that Mr.Nitin initially established rapport with the prosecutrix through her minor son and had forcible physical relations on the promise of marriage. What exacerbates the situation albeit prima-facie is the allegation that Mr. Nitin (petitioner in Writ Petition No.1289 of 2021) forced the prosecutrix to have physical relations

with Mr. Krishna (petitioner in Writ Petition No.1299 of 2021), as a condition to marry Mr.Nitin, and recorded the video thereof. The prosecutrix further alleged that the brother duo again attempted to forcefully subject her to physical relations and, on her refusal, she was assaulted.”

With these observations, the Division Bench rejected the writ petition.

6. Even after that, again a fresh application for anticipatory bail is filed by the same applicant on the ground that now the complainant has moved for quashing of the prosecution.

7. In my opinion, considering the repeated attempts by the applicant, which are turned down time and again by different Benches of this Court; it amounts to sheer abuse of process of law. Not only I am not inclined to entertain this application but I am intending to impose costs on the applicant. I have given liberty to learned counsel for the applicant to make submissions on imposition of costs. No

serious arguments were advanced in that behalf. Hence, the following order :

ORDER

- (i) The anticipatory bail application is rejected.
- (ii) The applicant shall deposit costs of Rs.15,000/- (Rupees Fifteen Thousand only) before the Court of Sessions at Dindoshi, Mumbai, within a period of one month from today. If it is not so deposited, the Sessions Court shall take steps to recover that amount from the applicant in accordance with law.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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(SARANG V. KOTWAL, J.)

Deshmane (PS)