

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

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 3164 OF 2022**

Abdul Qayum Abdul Karim Shaikh ...Applicant  
Versus  
State Of Maharashtra ...Respondent

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Mr. Rahul Arote, Advocate for the Applicant.

Mr. Santosh Deshpande, Advocate for Intervenor/Complainant.

Mrs. Veera Shinde, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 9<sup>th</sup> DECEMBER, 2022.**

**PER COURT:**

1. This is second application for anticipatory bail in connection with M.E.C.R. No.215 of 2021 registered with Borivali Police Station, Mumbai for offences under Sections 387, 452, 504, 506 (2) and 120-B of Indian Penal Code (for short “IPC”).

2. The previous application for pre-arrest bail was rejected on merits by assigning detailed reasons by this Court vide order dated 2<sup>nd</sup> July, 2021.

3. Learned Advocate for the applicant submits that, there were no attempts to arrest him. The applicant was available at his residence. After a gap of one year, there is no necessity of his

custodial interrogation. The applicant had visited Mahim Police Station in connection with the clearance of his passport.

4. Learned A.P.P. and learned Advocate for the original complainant/Intervenor submitted that, the previous application has been rejected on merits. No ground is made out for entertaining the second application. The applicant is absconding. The case of the applicant is that, he had attended Mahim Police Station. The First Information Report is registered with Borivali Police Station. After learning about the fact that the applicant had applied for renewal of passport, Borivali Police Station had instructed Mahim Police Station about pendency of case against the applicant. The applicant is not available. He has played prime role in this case. There is sufficient evidence against him.

5. On perusal of order dated 2<sup>nd</sup> July, 2021, it is apparent that this Court had taken into consideration the merits of the case and rejected the application for anticipatory bail. No ground is made out for entertaining this application.

6. The only submissions advanced by the learned Advocate for the applicant is that the applicant has not been arrested. The learned A.P.P. has however pointed out that, attempts were made to find out the applicant's whereabouts, but he was not available.

7. Considering the aforesaid circumstances, I do not find that the applicant has made out any case for entertaining the second application. Although the application was rejected on 2<sup>nd</sup> July, 2021, he could not be arrested and after a period of about one year, the applicant has approached this Court for seeking the same relief. Hence, I pass the following order:

**ORDER**

Anticipatory Bail Application No.3164 of 2022 is rejected and disposed of accordingly.

**(PRAKASH D. NAIK, J.)**