IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (ABA) No.489/2022

Javed Khan s/o Zameer Ullah Khan V State of Maharashtra thr PSO PS Hingna, Nagpur

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Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr. V.S. Kukday, Advocate for applicant.
Mr. V.A. Thakare, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 12-07-2022

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0392/2021 dated 10-08-2021 registered with Police Station Hingna, District Nagpur City for the offences punishable under Sections 379, 420 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant fairly states that, earlier application of the applicant for grant of pre-arrest bail was rejected by this Court on the ground that the applicant did not cooperate the Investigating Officer in investigation and further on the point of transit pass.

3. It is pointed out that now the transit pass are being issued online. Therefore, the Investigating Officer ought to have

made a statement about genuineness of the transit pass, which the applicant was possessing at the time of interception of truck. It is submitted that the Investigating Officer is not making any statement about the transit pass. He, therefore, submits that this Court may reconsider the request of the applicant for grant of bail.

4. On the other hand, learned APP strongly opposed the application and submitted that once the application was rejected, in absence of change in circumstances this Court may not consider the request for grant of pre-arrest bail.

5. I have perused the case diary, application and the reply of the State.

6. This Court vide order dated 22-03-2022 rejected the first application of the applicant by recording the reasons. There are no change in circumstances after the rejection of the said application.

7. In that view of the matter, I am not inclined to allow this application. Accordingly, I pass the following order.

ORDER

Application is rejected.

(Anil S. Kilor, J.)

Deshmukh