

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

67 ANTICIPATORY BAIL APPLICATION NO.1135 OF 2023

Ujwala w/o. Satish Deore .. Applicant

Versus

The State of Maharashtra and Others .. Respondents

...
AND

ANTICIPATORY BAIL APPLICATION NO.1133 OF 2023

Varsha Narendra Deore .. Applicant

Versus

The State of Maharashtra and Others .. Respondents

...
In both the applications:

Advocate for Applicants : Mr. Abhaykumar Dilip Ostwal
APP for Respondent – State : Mr. G.O. Wattamwar

...
WITH

APPLN/2644/2023 IN ABA/1133/2023
WITH APPLN/2648/2023 IN ABA/1135/2023

...
CORAM : R. M. JOSHI, J.
DATE : AUGUST 7, 2023

PER COURT :

. By these applications, the applicants are practically
calling upon this Court to substitute / modify the order passed by the

Hon'bel Apex Court on 05.02.2020 in Special Leave to Appeal (Cri.) No.841 of 2020, which is not permissible owing to the judicial discipline.

2. The present applicant approached the Hon'ble Apex Court by preferring the aforestated proceeding wherein a direction was issued to move Regular Bail application before the concerned Trial Court. For that purpose, liberty of the applicant was protected for the period of three months. This order was sought to be extended from time to time.

3. It is the grievance of the applicant that during the operation of the order of the Hon'ble Apex Court granting protection, non-bailable warrant came to be issued by the concerned Magistrate. It is further contention of the learned counsel for the applicant that there is change in the circumstances i.e. filing of report under Section 169 of the Code of Criminal Procedure, which entitles this Court to pass order of granting anticipatory bail to the applicant. The bail is sought on the ground of ill health of the applicant.

4. Learned counsel for the applicant in support of his

submissions placed reliance on the following judgments:

- (i) **Satender Kumar Antil v. CBI, (2022) 10 SCC 51**
- (ii) **Satender Kumar Antil v. CBI, 2021 SCC OnLine SC 3302**
- (iii) **Satender Kumar Antil v. CBI, (2021) 10 SCC 773**
- (iv) **Siddharth v. State of U.P. (2022) 1 SCC 676**
- (v) **Nathu Singh v. State of U.P., (2021) 6 SCC 64**
- (vi) **Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1**
- (vii) **Sundeep Kumar Bafna v. State of Maharashtra, (2014) 16 SCC 623**
- (viii) **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**
- (ix) **Ravindra Saxena v. State of Rajasthan, (2010) 1 SCC 684**
- (x) **Inder Mohan Goswami v. State of Uttaranchal, (2007) 12 SCC 1**
- (xi) **Joginder Kumar v. State of U.P., (1994) 4 SCC 260**
- (xii) **Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565**

5. A careful perusal of these judgments do not show that this Court gets the authority to circumvent the order passed by the Hon'ble Apex Court. In all together different facts and circumstances these orders were passed.

6. There is no dispute about the fact that as per the order passed by the Hon'ble Apex Court the applicant has never approached the Trial Court seeking regular bail. Even if the contention of the counsel for the applicant is accepted that non bailable warrant came

to be issued against applicant during substance of protection granted by the Hon'ble Apex Court, there seems no attempt of whatsoever nature made to approach the concerned Court for cancellation thereof. Needless to say that it was always open for the applicant to apprise the learned Magistrate as well as the learned Sessions Judge that order passed for issuance of NBW is during the protection granted by the Hon'ble Apex Court and ignorance of the said order. The order passed by the Hon'ble Apex Court was extended for the last time on 26.05.2020. Surprisingly, even after lapse of period of three years of expiry of period of protection granted by Highest Court in the country, the applicant did not find it necessary to comply with direction issued by the order of the Hon'ble Apex Court.

7. This Court is compelled to observe that present application has been filed without any reason or justification because it was always open for the applicant to move appropriate application before the concerned Court for cancellation of non bailable warrant. The applicant would not have presumed that her application would not have been considered by the concerned court.

8. Even if it is accepted that pursuant to the order passed by

the Hon'ble Apex Court, report is filed under Section 169 of the Code of Criminal Procedure before the Trial Court, but that does not justify the applicant to refuse to comply with the order. Neither the applicant has any justification nor this Court has any right to modify or circumvent the order of Hon'ble Apex Court in any manner whatsoever. This could not be done even on ground of sickness of applicant.

9. In view of above, there is no substance in the anticipatory bail applications. Hence it stand rejected.

10. In view of disposal of the anticipatory bail applications, nothing survives for consideration in pending applications for assist to PP and the same stand disposed of.

[R. M. JOSHI]
JUDGE

GGP