

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 133 OF 2023**

Sohail Azim Sayyed ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Zeeshan Siddique alongwith Mr. Tausif Shaikh for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 6 FEBRUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 718 of 2022 registered at Kondhwa Police Station, Pune for the offences punishable under Sections 376, 376(2)(n), 328, 420, 323, 506, 504 r/w. 34 of Indian Penal Code.

3. The learned APP has pointed out the order passed by this Court dated 22 September 2022 in Anticipatory Bail Application No.2159 of 2022. By the said order, this Court rejected the application filed by the applicant for anticipatory bail.

4. The learned Counsel for the applicant submits that now the prosecution has filed the charge-sheet and thus there is no need of custodial interrogation.

5. If the submission of the learned Counsel for the applicant is accepted and present application is entertained, then every accused after rejection of his anticipatory bail would abscond till filing of charge-sheet and once the charge-sheet is filed the applications would be filed on this ground. The present application therefore cannot be entertained as filing of charge-sheet, in the facts and circumstances would not constitute change in circumstance. The application is dismissed.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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