

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.456 OF 2023

Salman Khan Mehmud Khan

...Applicant

vs.

The State of Maharashtra

...Respondent

....

Mr. Sartaj Pathan, for the Applicant.

Mr. R.M. Pethe, APP, for the Respondent State.

....

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 24 APRIL 2023

P.C.:

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant for pre-arrest bail in Crime No.618 of 2022 registered with D.N. Nagar Police Station, Mumbai, for offences punishable under Sections 376 and 420 of the IPC.

2. Heard Sartaj Pathan, learned Counsel for the Applicant and Mr. R.M. Pethe, learned APP for the Respondent State. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The records reveal that Anticipatory Bail Application

No.2449 of 2022 was rejected by this Court (Corma: M.S. Karnik, J.) on 20 January 2023. Said order makes reference to the previous order dated 29 September 2022, passed by this Court and further records that the Applicant had no intention to abide by the statement recorded in the order dated 29 September 2022 and it was made only with a view to secure interim protection from this Court. This Court had, therefore, vacated the interim protection granted by order dated 29 September 2022 and dismissed the application, being Anticipatory Bail Application No.2449 of 2022.

4. Learned Counsel for the Applicant has not been able to show any change in circumstance since the date of the previous order, i.e. 20 January 2023, in Anticipatory Bail Application No.2449 of 2022. Filing such successive application without there being any change in fact situation, is nothing but an abuse of process of court. Allowing such application will only encourage forum shopping, which is not conducive to administration of justice.

5. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)