

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

ANTICIPATORY BAIL APPLICATION NO.807 OF 2023

Ajmal Raja Mohd. Hussain

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Ms Afreen Shaikh for the Applicant.

Mr. S. Alam with Mr. Adnan Ansari for the Intervenor.

Mr. Shrikant Yadav, APP for Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th MARCH, 2023.

P. C. :-

1. This is the second application under Section 438 of the Cr.P.C. filed by the Applicant herein apprehending his arrest in C.R. No.697 of 2022 registered with Ghatkopar Police Station, Mumbai. The Applicant has stated in the application that Anticipatory Bail Application No.3358 of 2022 was withdrawn.

2. Learned APP states that by order dated 09/01/2023 in Anticipatory Bail Application No.3358 of 2022 this Court (Coram: M.S. Karnik, J.) had allowed the Applicant to withdraw the application. He has placed on record copy of the said order. A perusal of the said

order reveals that Advocate for the Applicant had withdrawn the application simplicitor without any liberty to file fresh application. The second bail application was filed on 15/03/2023 and has been circulated after the change in assignment. The application does not disclose reasons for withdrawing the previous application. The practice of withdrawing the application simplicitor and filing fresh application after change of roster without there being any change in fact situation, is nothing but an attempt of forum shopping, which is not conducive to judicial discipline.

3. Under the circumstances, no case is made out to entertain the successive bail application. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

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