

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.1382 OF 2023

Mohd Salman Ansari Abuzar ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. A. R. Shaikh i/by Ms. Aisha Z. Ansari, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 9, 2023

P.C.:

1. This is a second application filed under Section 438 of the Code of Criminal Procedure, 1973, in relation to crime No.138 of 2018 registered at Azad Nagar police station, Nashik, for the offences punishable under Sections 406, 409, 420 r/w. 34 and 120-B of the Indian Penal Code and Section 3 of Maharashtra Protection of Depositors Act.

2. This Court by an order dated 10th February, 2023 rejected the earlier application under Section 438 of the Code of Criminal Procedure, 1973.

3. According to learned Advocate for the Applicant, technically there is no change in circumstances, however in a related proceedings pending before the Apex Court, the main accused has deposited amount of Rs.6 crores to be distributed for depositors in the State of Maharashtra, and the informant has received amount

of Rs.7,50,000/-.

4. Having considered the application in my opinion, once this Court has been rejected the earlier Anticipatory Bail Application under Section 438 of the Code of Criminal Procedure,1973 on merits, the second Anticipatory Bail Application without material of change in circumstance is not maintainable. The Anticipatory Bail Application is, therefore, rejected.

(AMIT BORKAR, J.)