

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

ANTICIPATORY BAIL APPLICATION NO. 2860 OF 2023

WITH

INTERIM APPLICATION NO.4172 OF 2023

Sambhaji Jagannath Kanase	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Aniket Vagal with Mr. Savvy Kolhekar, for Applicant.

Smt. A. A. Takalkar, APP for State/Respondent.

Mr. Vivek B. Rane, for Intervener.

Mr. S. Mali, API, Vishrantwadi Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 20th DECEMBER, 2023

PC:-

1) Heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for the intervener.

2) In the instant application, there is a gross suppression of the facts. First application, ABA No.2746 of 2022, preferred by the applicant was rejected by this Court by an order dated 10th January, 2023. Yet in the application there is a positive misrepresentation that the instant application is the first application for Anticipatory Bail preferred by the applicant. What

exacerbates the situation is the fact that in paragraph No. 17 of the application, the applicant has aversed that the applicant has not filed any other application for Anticipatory Bail before this Court or before the Supreme Court.

3) The learned Counsel for the intervener has pointed out that the applicant had in fact preferred Special Leave to Appeal (Crl) No. 2881 of 2023 against the order dated 10th January, 2023, passed by this Court and the said Special Leave Petition stood dismissed. A copy of the order is tendered for the perusal of the Court.

4) Mr. Vagal, the learned Counsel for the applicant submitted that he was unaware of the filing of the previous application ABA No. 2746 of 2022, which came to be dismissed, and also the dismissal of the Special Leave to Appeal (Crl) No. 2881 of 2023. Without delving into the aspect of the correctness of the submission made by Mr. Vagal, the application deserves to be dismissed for the gross suppression of facts and a flagrant abuse of the process of the Court.

5) The application stands dismissed.

6) In view of disposal of the ABA, the Interim Application also stands disposed.

[N. J. JAMADAR, J.]