

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

ANTICIPATORY BAIL APPLICATION NO.90 OF 2024

Saifuddin Fidahusein Sariya

.....Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Kalpesh Patil, Advocate i/b. Kuldeep M. Jain, for the Applicant.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

Mr. Taraq Sayed, Advocate for the complainant.

CORAM : SARANG V. KOTWAL, J.

DATE : 15th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.595/2022 registered with Mumbra police station, Mumbai on 22.6.2022.

2. The Applicant had earlier approached this Court vide A.B.A. No.385/2023. This Court (Coram: M.S. Karnik, J.) vide order dated 1.3.2023 had rejected his application for anticipatory bail.

3. Thereafter the Applicant had approached the Hon'ble Supreme Court by way of Special Leave to Appeal (Crl.) No.3910/2023. The Hon'ble Supreme Court vide order dated 4.10.2023 had rejected his application for anticipatory bail. The order reads thus:

“ Heard Mr. Amit Pai, learned counsel appearing for the petitioner. The State of Maharashtra is represented by Mr. Aaditya Aniruddha Pande and the informant – respondent no.2 is represented by Ms. Jaikriti S. Jadeja, learned counsel.

The submissions made by learned counsel for the parties are considered and we have perused the material on record.

Considering the circumstances here and the nature of allegations, we feel that the pre-arrest bail is not merited in connection with FIR No.595/2022, registered with Police Station, Mumbra, District Thane City, Maharashtra. Accordingly, the Special Leave Petition is dismissed.

Pending applications, if any, shall stand disposed of.”

4. Again, the present Application is filed on the ground of change of circumstance of filing charge-sheet as against the co-accused. However, the Applicant was never

arrested. The Hon'ble Supreme Court had considered the nature of allegations and had observed that the pre-arrest bail was not merited.

5. In the light of the specific observations of the Hon'ble Supreme Court, it would not be proper for the High Court to entertain this Application. The Hon'ble Supreme Court had considered the circumstances and the nature of allegations; and then had rejected the anticipatory bail application.

6. Considering this situation, the present Anticipatory Bail Application cannot be entertained and is dismissed.

(SARANG V. KOTWAL, J.)

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