

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3653 OF 2022**

Rishikesh Rajendra Bansode	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

None present for the Applicant.

Mr. A. A. Palkar, APP a/w Mr. M. G. Patil, APP, for the Respondent-State.

Mr. Jitendra B. Kadam, PSI, attached to Tilak Nagar Police Station, Mumbai.

**CORAM Dr. Neela Gokhale, J.
DATED: 23rd January 2024**

PC:-

1. This case is one of such case where an attempt appears to have been made by the Applicant to deceive the Court and interfere with the administration of justice.

2. The present application is filed by the Applicant on 18th November 2022 seeking his enlargement on bail in connection with C.R. No. 273 of 2021 registered at Tilak Nagar Police Station, Mumbai in respect of offences punishable under Sections 201, 307, 326, 504, 506(2), 341 read with 34 of the Indian Penal Code, 1860 and under Sections 3(1)(ii), 3(2) & 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

3. When the matter was called out today, none appeared for the Applicant. However, Mr. Palkar, learned APP alongwith Mr. M. G. Patil, learned APP for the Respondent-State handed over a copy of an order dated 11th December 2023 passed by this Court in Bail Application No. 3907 of 2023 enlarging the Applicant on bail on certain terms and conditions.

4. It is thus clear that during pendency of the present bail application, simultaneously another Bail Application No. 3907 of 2023 was moved by the Applicant in this Court.

5. From a reading of the said bail order dated 11th December 2023, I find no mention that it was a second bail application filed by the Applicant before this Court, nor does the order reflect any reference to the present bail application already pending before this Court. This is a clear attempt of the Applicant to conceal material facts from this Court. The Applicant ought not to have filed a second bail application during pendency of the present bail application. It was atleast his duty to inform the Court during hearing of Bail Application No. 3907 of 2023 regarding pendency of the present bail application. This conduct of the litigant is seriously deprecated.

6. The Supreme Court in its judgment and order dated 19th January 2024 passed in criminal appeal in the matter of ***Kusha Duruka v. The State of Odisha***¹ while dealing with a similar matter, laid down mandatory contents of a bail application. In this order, the Supreme Court has listed the pre-requisites to be mentioned in bail applications and also recorded that these suggestions are to

1 2024 SCC OnLine SC 56.

streamline the procedures and to avoid anomalies. The Supreme Court has thus issued directions in this regard in its said decision.

7. Considering the conduct of Applicant, one option available to this Court is to cancel his bail. Infact even the learned APP has sought such cancellation, and rightly so. However, I do not propose to take such an extreme step in the case in hand, although in my view, this is an option which is open to the Court to exercise seeing the conduct of Applicant. Hence, the application is dismissed as infructuous. However, I deem it fit to impose cost of Rs. 5,000/- on the Applicant for his conduct in concealing material facts from the Court passing the earlier bail order, to be deposited by him with the Maharashtra Legal-aid Services Authority within a period of eight weeks from today and proof of deposit be furnished in this Court. Learned APP through the Investigating Officer shall ensure that the costs are deposited by the Applicant.

8. Bail application stands disposed accordingly.

(Dr. Neela Gokhale, J.)

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