

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

ANTICIPATORY BAIL APPLICATION NO. 1827 OF 2024

Ganesh @ Bunty Ashok Yelbhar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Somnath Thengal for the Applicant.
Mr. Prasanna Malshe, APP for Respondent-State.
Mr. Sunil Badgujar, API, Manchar Police Station, Dist. Pune.

CORAM: MANISH PITALE, J.
DATE : 12th NOVEMBER 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. At the outset, the learned APP points out that the applicant has approached this Court on two occasions earlier and on both occasions, this Court (Coram: Sarang V. Kotwal, J.) had shown disinclination on merits against the applicant and in that light, the earlier two anticipatory bail applications were withdrawn unconditionally. It is submitted that on this ground itself, the present anticipatory bail application ought to be dismissed.

3. On the other hand, the learned counsel for the applicant submits that there is a change in circumstance, which needs to be brought to the notice of this Court. It is submitted that an affidavit

was filed by the Deputy Superintendent of Police, Lonavala, Dist. Pune, dated 25th February 2022 in Criminal Writ Petition No. 5635 of 2021 filed by co-accused person for quashing of FIR. It is submitted that the affidavit needs to be perused in order to consider the submissions being made on behalf of the applicant.

4. This Court is of the opinion that the aforesaid submission made on behalf of the applicant cannot be considered. It is an admitted position that earlier two anticipatory bail applications moved by the applicant before this Court, were unconditionally withdrawn after being heard on merits. On 30th March 2021, this Court (Coram: Sarang V. Kotwal, J.) passed an order in Anticipatory Bail Application No. 889 of 2021, of this very applicant, which reads as follows :

“1. After arguing for some time, when I expressed my disinclination to grant relief, the learned counsel for the Applicant prays for unconditional withdrawal of this application.

2. Permission granted. Application is allowed to be withdrawn unconditionally and is disposed of as such.”

5. Thereafter, the applicant moved Anticipatory Bail Application No. 314 of 2023, which was also disposed of by an order identically worded as the order quoted hereinabove. The said application was disposed of on 26th April 2024.

6. This is the third anticipatory bail application moved on behalf of the applicant. The submission made on behalf of the

applicant that the aforementioned affidavit dated 25th February 2022 needs to be perused, cannot be considered simply for the reason that it is not a subsequent event or a circumstance, as the said affidavit was very much available when the second anticipatory bail application was moved and disposed of on 26th April 2024.

7. In any case, the Supreme Court in the case of ***G. R. Ananda Babu v/s. The State of Tamil Nadu & Anr.*** (order dated 28th January 2021 passed in Criminal Appeal, arising out of SLP (Crl.) No. 213 of 2021) has observed as follows :

“ As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (respondent No. 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge.”

8. In the present case, although the earlier two anticipatory bail applications were not disposed of by speaking orders, but the applicant chose to withdraw the anticipatory bail applications, when the Court after having heard the learned counsel for the applicant had expressed disinclination to grant relief. To entertain the present anticipatory bail application, which is the third anticipatory bail application on behalf of the applicant, would amount to permitting the applicant to abuse the process of law.

9. This Court is therefore not inclined to consider the present anticipatory bail application.

10. Accordingly, the application is dismissed.

MANISH PITALE, J.