

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

ANTICIPATORY BAIL APPLICATION NO. 2686 OF 2024

Mehrun Aslam Samlewale

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Kunal Aher a/w Mr. Sachin Pani, for Applicant.
- Mr. R. M. Pethe, APP for Respondent.
- Mr. Navnath Mote, API, Chikhali Police Station.

CORAM : MANISH PITALE, J.

DATE : 04th OCTOBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2024.10.05
10:17:17 +0530

P. C. :

1. Heard, Mr. Aher learned counsel for the applicant and Mr. Pethe, learned APP for respondent – State.

2. At the outset, the learned APP points out that this Court (*Coram : Sarang V. Kotwal, J.*) by detailed order dated 15.04.2024 passed in Anticipatory Bail Application No. 999 of 2024, rejected the anticipatory bail application of this very applicant. Hence, a preliminary objection is raised on behalf of the respondent – State with regard to the present application.

3. In response, the learned counsel for the applicant submits that now charge-sheet has been filed and regular bail is granted to co-accused persons and therefore, this anticipatory bail application may be considered.

4. This Court finds that in the aforesaid order passed by this Court

on 15.04.2024, the contentions raised on behalf of the applicant were considered in detail and thereafter, this Court rejected the application, *inter alia*, observing as follows:

“17. *In the background of the material available in the present case, the investigation papers include the statements of the other members of the police party. They have corroborated the narration in the FIR. There is a Panchanama signed by the two Panchas. In such cases, it is more important to nab the supplier. The arrested accused in this case was merely acting at the behest of the supplier i.e. the present Applicant. Therefore, it is necessary to break the chain of the supply. The Applicant’s custodial interrogation will only reveal the entire chain of supply. At this stage, the investigating agency will have to rely on the information supplied by the arrested accused, otherwise there is no other way to reach the supplier and hence to the root of the entire offence. The chain needs to be broken. Merely arresting the accused, who has played a smaller part, will not help the investigating agency into taking effective steps to arrest the main accused. Therefore, in such serious case, the investigating agency will have to be given sufficient opportunity to find out as to how the main accused are involved in this offence.*”

5. In such a situation, the applicant not having joined the process of law, cannot claim that since subsequently charge-sheet has been filed and co-

accused persons have been granted regular bail, the present anticipatory bail application should be considered again. The record shows that after this Court rejected the earlier anticipatory bail application of the applicant by the aforementioned detailed order dated 15.04.2024, the applicant once again approached the Sessions Court and by order dated 13.06.2024, the Sessions Court dismissed his anticipatory bail application.

6. Now the applicant has filed the present anticipatory bail application once again knocking the doors of this Court. The applicant has in the meanwhile not joined the process of law, and in such a situation, this Court is not inclined to consider the present application.

7. Accordingly, the application is dismissed.

(MANISH PITALE, J.)