

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3085 OF 2024

Raj Ketan Sarnaik	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Piyush R. Toshnival i/b Mr. Ashish Pawar for applicant
Mr. Mayur S. Sonavane, APP for Respondent-State

CORAM : MANISH PITALE, J.
DATE : NOVEMBER 21, 2024

P.C. :

. A perusal of the documents filed along with this Anticipatory Bail Application shows that the FIR was registered as far back as on 10.01.2019 for offences under Sections 420 and 473 of the Indian Penal Code, 1860 (IPC). The first Anticipatory Bail Application filed by the applicant was dismissed by this Court (Coram: Sarang V. Kotwal, J.) on 19.06.2019 making the following observations:

“5. The allegations in the FIR clearly made out a case that right from the beginning, the applicant had intention to deprive the first informant of his hard earned money and on the false pretext of giving job to his son, sent a copy of fake appointment letter. All these allegations point out that the offences committed. Custodial interrogation of the applicant is necessary in this case. Hence, there is no merit in the case. Application is dismissed.”

2. Thereafter, the applicant filed subsequent Anticipatory Bail Application, which was rejected by this Court (Coram: Sarang V. Kotwal, J.) on 28.08.2019, observing as follows:

“1. The Applicant had approached this court earlier vide Anticipatory Bail Application No.803 of 2019 and by reasoned order dated 19th June, 2019 this court has rejected the application. The applicant instead of surrendering has moved this application. There is no change in the circumstances. No new facts have developed subsequently, therefore, I am not inclined to entertain this application.

2. Application is rejected.”

3. The applicant challenged these orders by filing Special Leave Petition (Criminal) Diary No(s). 45193 of 2019 before the Supreme Court. The Special Leave Petition was dismissed by order dated 07.01.2020.

4. Thereafter, the applicant has avoided the process of law, he has remained absconding and now he has filed the present Anticipatory Bail Application after about 5 years of the registration of the FIR.

5. 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) the Supreme Court 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.”

6. In view of the above chronology of the events, this Court is convinced that the filing of the present Anticipatory Bail Application by the applicant is nothing but an abuse of process of law and therefore, the

application deserves to be dismissed with appropriate costs.

7. Accordingly, the application is dismissed with costs of Rs.50,000/-.

8. The applicant shall deposit the costs of Rs.50,000/- in the following account:

A/c. Name : Central Police Welfare Fund
Account No.: 914010029005759
Bank Name : Axis Bank
IFSC Code : UTIB0000060

9. The applicant shall place proof of deposit of such costs in the Registry of this Court, before the next date of listing.

10. The amount of costs shall be deposited within the period of four weeks from today.

11. List the application only for compliance of the deposit of costs on 6th January 2025, at the top of the board.

(MANISH PITALE, J.)

Ajit Pathrikar