

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3091 OF 2024

Sangita @ Kajal Mukhtar Shaikh	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Samay Pawar i/b Reena Prajapati for applicant
Mr. Sagar R. Agarkar, APP for Respondent-State

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

P.C. :

1. By this application, applicant is seeking bail as she was apprehending arrest in connection with FIR No. 145 of 2019 dated 23.03.2019 registered at Manchar Police Station, District- Pune, for offences under Sections 376, 376 (2) (n), 363, 344, 323 and 34 of Indian Penal Code, 1860 (IPC) and 4, 6, 8, 10, 17 and 21 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. In this case, the victim girl could not be found and recovered only in the year 2023.

3. This very applicant had filed Anticipatory Bail Application No. 2053 of 2023 before this Court. It was dismissed by a speaking order by this Court (Coram: Amit Borkar, J.) on 21.07.2023.

4. Despite dismissal of the said anticipatory bail application filed earlier by this very applicant on 21.07.2023, the applicant remained absconding. In fact, charge-sheet filed in the present case on 15.07.2023 recorded the fact that the applicant was absconding.

5. In the face of said facts, filing of the present second anticipatory

bail application is nothing but an abuse of process of law. 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. Considering the fact that the applicant has remained absconding for more than 5 years and he is repeatedly filing anticipatory bail applications, demonstrating clear abuse of the process of law, the application deserves to be dismissed with appropriate costs.

7. Accordingly, the application is dismissed with costs of Rs.25,000/-.

8. The applicant shall deposit the costs of Rs.25,000/- 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 for compliance of the deposit of costs on 7th January 2025, at the top of the board.

(MANISH PITALE, J.)

Ajit Pathrikar