

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3270 OF 2024

Somnath @ Prashant @ Babu Tukaram Bhosale ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Dhananjay Bhosale for Applicant.

Ms. Rutuja A. Ambekar, APP for Respondent-State.

CORAM : MANISH PITALE, J.

DATE : DECEMBER 06, 2024

P.C. :

. Heard Mr. Bhosale, learned counsel for the applicant and Ms. Ambekar, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0119 of 2023 dated 06.09.2023, registered with Rajapur Police Station, District - Ratnagiri, for offences under Sections 143, 147, 148, 149, 224, 225 and 353 of the Indian Penal Code, 1860 (IPC), as also under Sections 3, 25 and 27 of the Arms Act, 1959.

3. The learned counsel for the applicant sought to argue on merits. But looking to the allegations made in the FIR, this Court is not inclined to pass a favourable order.

4. It is also relevant to note that the Sessions Court, while dismissing the anticipatory bail application of the applicant on 11.10.2024, specifically noted that it was the second anticipatory bail application. The first anticipatory bail application was dismissed and after filing of charge-sheet, while remaining absconding and not co-operating with the investigation, the applicant moved the second anticipatory bail application. The Sessions Court has specifically noted that the applicant

is not ready to surrender before the police and he is absconding.

5. In the case of *G. R. Ananda Babu Vs. State of Tamil Nadu and another* [order dated **28.01.2021** passed in **Criminal Appeal arising out of SLP (Crl.) No.213 of 2021**], the Supreme Court has specifically held that, successive anticipatory bail applications ought not to be entertained when the accused remains absconding and not co-operating with the investigation. The reason of change in circumstances can also not be invoked, particularly when earlier anticipatory bail application has been rejected by a speaking order.

6. Apart from this, the learned APP has brought to the notice of this Court that, the applicant has several criminal antecedents. A list of 41 of such cases registered against the applicant has been brought to the notice of this Court. Number of cases from the said list pertain to offences under the Prohibition Act and at least four other FIRs have been registered against the applicant under Section 353 of the Indian Penal Code, 1860, wherein he has obstructed police personnel from performing their duties.

7. No indulgence can be shown to such a person. The application is dismissed.

(MANISH PITALE, J.)

Minal Parab