

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

ANTICIPATORY BAIL APPLICATION NO. 3496 OF 2024

Navnath Eknath Repale

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 3497 OF 2024

Madhav Raghunath Chaskar

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 3498 OF 2024

Vishwas Bhalchandra Bhor

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Alankar Kirpekar a/w Mr. Sagar Kasar, Mr. Sachin Patil, Mr. Ayush Tiwari, Mr. Amol Wagh, Ms. Chaitali Bhogle and Mr. Rishabh Tiwari i/b Mr. Sagar Kasar, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent in ABA/3496/2024.
- Mr. Balraj B. Kulkarni, APP for Respondent in ABA/3497/2024.
- Mr. Kiran C. Shinde, APP for Respondent in ABA/3498/2024.
- Mr. Chiranjiv Dalalwad, PSI, Pimpri Police Station, present.

CORAM : MANISH PITALE, J.

DATE : 20th DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and learned APPs for the respondent-State.

2. The present anticipatory bail applications have been filed in the context of FIR registered as far back as on 31st August, 2022, at Police Station Pimpri, for offences under Sections 420 and 406 read with Section 34 of the Indian Penal Code, 1860 (IPC) and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act)

3. Before considering the submissions sought to be made on merits, the learned APPs brought to the notice of this Court that these 3 applicants had earlier filed anticipatory bail applications in the years 2022 and 2023. The said Anticipatory Bail Application Nos.3484 of 2022, 3487 of 2022 and 985 of 2023, were taken up for consideration by this Court (*Coram : Sarang V. Kotwal, J.*) on 13th February, 2024. The said 3 anticipatory bail applications of the applicants were disposed of as follows :

- “1. After arguing for some time, when I expressed my disinclination to grant relief, learned counsel for the Applicant, on instructions, prays for unconditional withdrawal of these applications.
2. Permission is granted. The applications are allowed to be withdrawn unconditionally and are disposed of accordingly.”

4. The above quoted order clearly shows that the applications of these applicants were argued on merits and this Court was not inclined to grant relief and in that context, the applications were unconditionally

withdrawn. It is crucial that when these applications were disposed of in the aforesaid manner on 13th February, 2024, the charge-sheet had been already filed long before on 29th March, 2023. Thus, the entire material was before this Court when the aforesaid anticipatory bail applications of the applicants were unconditionally withdrawn when this Court was not inclined to grant relief.

5. It is also to be noted that thereafter, these very applicants filed Criminal Writ Petition No.3270 of 2024, seeking quashing of the FIR/charge-sheet as against them. It came up for consideration before a Division Bench of this Court (*Coram : Sarang V. Kotwal & Dr. Neela Gokhale, JJ.*). There was no appearance on behalf of the applicants on the said date and Division Bench of this Court dismissed the writ petition for the reason that the applicants had failed to disclose the disposal of the aforesaid anticipatory bail applications on 13th February, 2024. In fact, in paragraph No.4 of the said order, the Division Bench observed as follows:

“4. *The Petitioners have not approached this Court with clean hands by disclosing the background and the orders passed in the subject matter previously.*”

6. In this background, the applicants, while remaining absconding, have taken further chance before the Sessions Court by filing anticipatory bail applications. The said anticipatory bail applications of the applicants were

dismissed in December, 2024 and now the applicants have again approached this Court seeking a hearing on merits. In the light of the aforesaid chronology of events, the applicants cannot be permitted to take repeated chances for their prayer of anticipatory bail being considered as regards an FIR registered as far back as on 31st August, 2022 and the applicants having failed in their earlier attempts in getting such relief. The Supreme Court in the case of G.R. Ananda Babu Vs. The State of Tamil Nadu and another (order dated 28th January, 2021, passed in Criminal Appeal arising from SLP (Cri.) No.213 of 2021) has observed that successive anticipatory bail applications ought not to be entertained by the Court where the accused persons remain absconding and they have not cooperated with the investigation. The reason of change in circumstances cannot be invoked by such accused persons, who have remained absconding.

7. This is a case wherein the applicants are seeking to knock the doors of Courts repeatedly by moving such successive anticipatory bail applications, while remaining absconding and not cooperating with investigation.

8. The applications cannot be entertained. Hence, the applications are dismissed.

(MANISH PITALE, J.)