

ITEM NO.3

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 9449/2021

(Arising out of impugned final judgment and order dated 02-08-2021 in ABA No. 4725/2021 passed by the High Court Of Jharkhand At Ranchi)

MD. SHAMIM KHAN

PETITIONER(S)

VERSUS

THE STATE OF JHARKHAND

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.159174/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.159172/2021-EXEMPTION FROM FILING O.T.)

Date : 16-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Girish Bhardwaj, Adv.
Mr. Anand Shankar Jha, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The first application under Section 438 of the Cr.P.C. filed by the petitioner was rejected by the High Court by an order dated 10.11.2020. There was no substantial change of circumstances placed on record while filing the second application seeking pre-arrest bail under Section 438 of the Code and that came to be rejected by the High Court under the order impugned dated 02.08.2021.

Even before us, the learned Counsel for the petitioner is unable to show any change of circumstances to invoke the

jurisdiction of filing second application under Section 438 of the Code before the High Court.

We deprecate such practice of filing second application under Section 438 of the Code after the first being rejected.

We have heard learned Counsel for the petitioner and find no reason to interfere in our jurisdiction under Article 136 of the Constitution.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)