



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1854 OF 2023

YASEENKHA SANDHUKHA PATHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. N. L. Chaudhari
APP for Respondent : Mr. A. S. Shinde

...
WITH
CRIMINAL APPLICATION NO. 3806 OF 2024 IN BA/1854/2023

PAWAN JITENDRA GHUNDIYAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant/complainant : Mr. Menezes Joslyn A.

...
CORAM : S. G. MEHARE, J.

DATE : 12-09-2024

PER COURT :-

1. Heard the learned counsel for the applicant, the learned counsel for the State and the learned counsel for the complainant.
2. The applicant seeks bail in C.R.No.442 of 2022 registered with Dhule City Police Station, District Dhule, for the offences punishable under Sections 302, 323, 504, 504 read with Section 34 of the Indian Penal Code and Sections 3/25 of the Arms Act, 1959.
3. This is a successive bail application. Since the change in circumstances were not brought to the notice of the Court, this Court had expressed a view that unless there is a substantial change in circumstances, successive bail application cannot be

entertained. The learned counsel for the applicant had sought time to produce case law.

4. The learned counsel for the applicant has produced the judgment of ***Sanjay Chandra vs. Central Bureau of Investigation, (2012) Supreme Court Cases 40*** and referred to paragraph Nos.19 and 21. He argued that a change of circumstances may not be a precondition to file successive bail applications. He, in successive bail application, submits that two witnesses are examined. The trial is not progressing. Therefore, his bail application can be entertained.

5. The learned A.P.P. submits that the case of ***Sanjay Chandra*** (supra) is distinguishable on facts because in that case earlier bail application of the co-accused was rejected. The Hon'ble Supreme Court has specifically observed in paragraph No.18 that

"18. We cannot compare the earlier and the present proceedings and conclude that there are no changed circumstances and reject these petitions."

6. The learned APP submits that earlier bail application of the applicant was decided on merit. Thereafter, the trial has been commenced. It is in progress. Therefore, there is no deliberate delay in trial.

7. So far as paragraph No.21 of ***Sanjay Chandra*** (supra) is concerned, it needs no comment to govern the personal liberty.

However, the learned A.P.P. is correct in arguing that on facts the case of ***Sanjay Chandra*** (supra) is distinguishable.

8. The settled law is that the applicant may file as many as applications for bail as he wishes. There is no bar to file applications. However, in every subsequent bail application, the applicant has to satisfy the Court that there are substantial changes in the circumstances.

9. The applicant has no case of substantial change in the circumstances in the present case. He wanted to repeat the merits of the case which were already considered in his earlier bail application.

10. Therefore, this Court is of the view that unless there is substantial change in the circumstances, the subsequent bail application would not be considered. This Court does not find any substantial change in the circumstances so far as merit of the case is concerned. This Court does not find this to be a fit case for bail. Hence, the bail application is dismissed.

11. Criminal Application No.3806 of 2024 stands disposed of.

(S. G. MEHARE)
JUDGE