



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

925 ANTICIPATORY BAIL APPLICATION NO. 1042 OF 2025

Shekhar S/o. Ramesh Chaudhari,
Age: 34 years, Occu: Agri.,
R/o. Amrapur, Tq. Shevgaon,
Dist. Ahmednagar.

...Applicant

VERSUS

The State of Maharashtra And Another

.....Respondents

.....

Mr. Narayan B. Narwade, Advocate for the Applicant
Mr. N. D. Batule, APP for the Respondents - State
Mr. Sandip R. Andhale, Advocate for the Informant

.....

CORAM : NEERAJ P. DHOTE, J.
DATE : 26.09.2025

ORDER :

1. This is a successive Bail Application for Anticipatory Bail in Crime No.0089/2025, registered with Shevgaon Police Station, District Ahilyanagar, for the offences punishable under Sections 109(1), 115(2), 3(5), 351(2), 351(3) and Section 352 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS').

2. Heard the learned Advocate for the Applicant, learned APP for the Respondents – State and the learned Advocate for the Informant.

3. It is submitted by the learned Advocate for the Applicant that, there is change in circumstance, and therefore, he has filed this second Application, which is maintainable. According to him, the substantial change is that, it was revealed that, the history given to the Nityaseva Hospital was that, the victim himself had consumed the poison. He relied on the following Judgments in support of his submission that, successive Bail Application is maintainable :

- [a] Bhimrao Bhikaji Pandav Vs. the State of Maharashtra and Others ; Law Finder document ID 2402067 ;
- [b] Hitesh Umeshbhai Mashru Vs. The State of Gujarat and Another ., in Criminal Appeal No. ____ of 2025 (Arising out of SLP (Criminal) No. 12437/2024) ;
- [c] Bharat Chaudhary and Another Vs. State of Bihar and Another ; (2003) 7 Supreme 224 ;
- [d] Bhisham Singh Vs. State of Haryana of the Punjab and Haryana High Court ; 2024:PHHC:048105 ;
- [e] Ravindra Saxena Vs. State of Rajasthan ; AIR 2010 Supreme Court 1225 ;

4. It is submitted by the learned APP and the learned Advocate for the Informant that, in absence of any change in circumstance, the second Anticipatory Bail Application is not maintainable. They relied on the Judgment in Ashok Pundalik Gavade Vs. State of Maharashtra ; 2019 All MR (Criminal) 1866.

5. Perused the above-referred Judgments cited by both the sides. It is clear from the said Judgments that, the successive Anticipatory Bail Application is tenable on account of change in circumstance. In the matter at hand, the Applicant along with others had filed Anticipatory Bail Application No.401/2025, which was decided by order dated 19/03/2025. The relevant Paragraphs from the said order are reproduced below :

- “1. Heard the learned counsel for the applicants and the learned APP for the respondents-State and Mr. M. A. Dond, learned advocate assisting the APP.
2. The applicants are apprehending arrest in connection with Crime No.89/2025 dated 30.3.2025 registered with Shevgaon Police Station, Tq. Shevgaon, District Ahilyanagar for the offences punishable under sections 109(1), 115(2), 3(5), 351(2), 351(3), 352 of B.N.S., 2023.
3. The learned counsel for the applicants, on instructions, seeks leave of this Court to withdraw the application of applicant No.1 – Shekhar Ramesh Chaudhari. Leave is granted. Application of applicant No.1 – Shekhar Ramesh Choudhari is dismissed as withdrawn.
4. ”

6. The learned Advocate for the Applicant tenders across the bar a copy of the said earlier Anticipatory Bail Application for perusal. Perusal of the same and the Applicant at hand show more or less identical averments. The only different in the averments in both the Applications is as under:-

6.1. In Anticipatory Bail Application No.401/2025 (earlier Application), the last five lines of Paragraph No.11 are as follows :

“11. The Ld. Sessions Court wrongly rejected the application observing that, jotting of the doctor support the story and their custody is required and role of the applicant No.2 is also equally serious and hence, rejected the application.

6.2. In the present Application, the averments in Paragraph No.12 are as follows :

“12. Even, the Ld. Sessions Court had not considered the important aspect that, during the course it revealed the complainant and his relatives had given the history at Nityaseva Hospital that complainant himself consumed the poison and as such, it reveals because of the property dispute subsequently, stand had been changed and that is the reason delay had been caused for lodging the F.I.R.”

7. From the above, the Applicants contention is that, he got the knowledge that, the history at the Hospital was given that, the victim had consumed the poison, and therefore, it is the change in circumstance. In both the Applications, the Applicant’s case is of false implication and consumption of poison by the victim. It is not that, after withdrawal of the earlier Application, there is some change in the circumstance. Undisputedly, the medical papers were in existence, even when the Application was rejected by the learned Sessions Court and when the Applicant had withdrawn the earlier Application. Therefore, the said contention cannot be the change in circumstance. In absence of any change in circumstance, after withdrawal of

the earlier Anticipatory Bail Application by the Applicant, the present Anticipatory Bail Application cannot be entertained and the same is liable to be dismissed. Hence, the following order :

ORDER

. The Anticipatory Bail Application is dismissed.

[NEERAJ P. DHOTE, J.]

Sameer/September-2025