



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1352 OF 2025

Rakesh Mahendra Choudhari

VERSUS

The State Of Maharashtra

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- Mr. Rajendrraa Deshmukkh, Senior Counsel a/w. Mr. S. P. Pandit, Advocate for Applicant
- Ms. D. S. Jape, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 19.11.2025

PER COURT :

1. The learned senior counsel appears along with the instructing counsel Mr. S. P. Pandit. Heard for some time. The basic arguments propounded by the learned senior counsel is about the applicant's right to be prosecuted under Section 408 or to be prosecuted under Section 409 and according to his submission, the said fact that now the supplementary charge-sheet is already filed by the Investigating Agency, gives him a right to reconsider his request for release on bail afresh even though the earlier bail application has been rejected on merits by this Court *vide* order dated 08.12.2023 in BA No. 2078 of 2023.

2. As this Court was not inclined to entertain the present successive bail application, since the earlier bail application was rejected on merits, The learned senior counsel takes me through the order passed in Criminal Revision Application No. 1 of 2025, filed by the applicant Rakesh Chaudhari against an order passed by the learned Chief Judicial Magistrate, Nandurbar wherein the learned Chief Judicial Magistrate has rejected the application of the accused applicant – Rakesh Chaudhari for alteration of charge from 409 IPC to one under Section 408 IPC. This, according to the learned Counsel, is a change in circumstance which can be considered by this Court.

3. The perusal of the Revisional Court's order would show that the learned Sessions Judge, Nandurbar has directed that the application below Exhibit – 28 shall be decided afresh after taking into consideration the evidence collected by the Investigating Officer in the further investigation conducted under Section 173(8) of the Cr.P.C. and filing of the supplementary charge-sheet.

4. It is submitted by the learned senior counsel that the learned Chief Judicial Magistrate has again decided Exhibit- 28 afresh by taking into consideration also the supplementary charge-sheet filed by the Investigating Officer under Section 173(8) of the Cr.P.C. and rejected the application for alteration of charge by the applicant. It is further submitted by the learned senior counsel that against the said

order 21.08.2025 rejecting the application exhibit - 28 for alteration of charges, the applicant – Rakesh has again filed a Criminal Revision Application No. 24 of 2025, which is pending before the learned Additional Sessions Judge, Nandurbar. Therefore, in this background that the present successive bail application despite of the order rejecting the bail application on merits, was sought to be argued and maintainable in view of the subsequent change of circumstances. Without going into the merits of the matter and also without going into the aspect of maintainability of such successive bail application on the ground of change in circumstances, it would be rather in the interest of justice, to direct the Additional Sessions Judge, Nandurbar to decide the Revision Application No. 24 of 2025, as expeditiously as possible so that the applicant's right, if any, to file a bail application afresh on the ground of change in circumstance, gets decided. It is therefore, in this background as I am not inclined to entertain the present bail application at present, as the revision is pending consideration of the Sessions Judge, the learned senior counsel, upon instructions, therefore, seeks liberty to withdraw, if such directions are given to the learned Sessions Judge to dispose of the revision within a stipulated period of time.

5. In the above facts and circumstances, the learned District Judge – 1, Additional Sessions Judge, Nandurbar, is therefore,

requested to make an endeavour to dispose of the Criminal Revision Application No. 24 of 2025 as expeditiously as possible but not beyond a period of two months from the date of receipt of this order.

6. The application stands disposed of with such directions.
7. The applicant is at liberty to take appropriate steps including filing of successive bail application on the ground of change in the circumstances after the decision of the learned Sessions Judge in Revision.
8. The Bail Application is disposed of accordingly.

(MEHROZ K. PATHAN, J.)