



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1362 OF 2025**

Rutwik Bhaskar Darandale
Versus
The State of Maharashtra & Anr.

Mr. T. C. Shinde for the Applicant.
Mr. A. V. Lavte, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 6 AUGUST 2025

P. C.:

1. Heard Mr. Shinde, learned Advocate for the Applicant and Mr. Lavte, learned APP for the State.
2. This is a fresh Anticipatory Bail Application listed under the category of fresh matters. At the very outset, Mr. Lavte raises a preliminary objection. This is to the effect that this is in fact a successive Bail Application which is filed before this Court. It is successive, according to Mr. Lavte, because this Court has passed a detailed order dated 10 June 2025, annexed at Exhibit-F to the Application, where the Court has rejected Anticipatory Bail Application No.748 of 2025.
3. In a sense aggrieved by certain findings in the said order, Mr. Shinde has approached this Court on the ground of change in circumstances pursuant to passing of the said order. This is the backdrop under which the present Application has come up for consideration before the Court today. Mr. Shinde would at the outset submit that this is a clear case of change in circumstances which would warrant interference of this Court as far as the present Application is concerned. He would rely on paragraph 16 of the said order, where the Court has made detailed observations, cited judgments and

accordingly come to a particular conclusion that is of Rejecting the Anticipatory Bail Application No.748 of 2025.

4. Mr. Shinde, however, would submit that such conclusion is primarily passed on the findings in paragraph 11 of the said order. The said paragraph *inter alia* refers to a letter dated 10 June 2025 of the Investigating Officer, in regard to which it was recorded that the Applicant is in breach of the undertaking and the conditions imposed in the order dated 6 May 2025 on the basis of which the Applicant was given *ad-interim* protection. However, according to Mr. Shinde this is incorrect and the Applicant had no means to know about such letter dated 10 June 2025. He would submit that the Investigating Officer has misinformed the learned APP about such letter, which has resulted in such findings being recorded and the consequent order being passed, which gravely prejudices the present Applicant. Thus, an error has crept in the order dated 10 June 2025 attributable to the wrong/misinformation supplied by the Investigating Officer, which has prejudiced the Applicant.

5. Mr. Shinde, in accordance of the submission relies on an order of Division Bench of Telangana High Court in Criminal Appeal No.305 of 2025 passed in Interim Application No.2 of 2023 in the said proceedings. Mr. Shinde would invite the Court's attention more specifically to paragraphs 25 to 27 and then paragraph 28 to submit that if the Court held that there is no dispute that the Second Bail Application is maintainable. He would submit that the said order be followed. In the given facts and circumstances, the Court should accordingly pass a fresh order in light of the change of the circumstances as pointed out by Mr. Shinde.

6. Mr. Lavte on the other hand strongly opposes the Application. He would draw the Court's attention to the order dated 10 June 2025. He would submit that it is a reasoned, detailed and speaking order. The said order was admittedly passed after hearing both sides at great length. He

would next submit that paragraph 11 cannot be read standalone. The findings which are recorded in the said paragraph have to be read in the contextually. This is a play/tactic according to Mr. Lavte adopted by this Applicant which is completely contrary to law inasmuch as the Supreme Court has held in ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan alias Pappu Uadav & Anr.***¹. He would more particularly rely on paragraph 19 of the said judgment which reads thus:-

“19. The principles of res judicata and such analogous principles although are not applicable in a criminal proceeding, still the courts are bound by the doctrine of judicial discipline having regard to the hierarchical system prevailing in our country. The findings of a higher court or a coordinate Bench must receive serious consideration at the hands of the court entertaining a bail application at a later stage when the same had been rejected earlier. In such an event, the courts must give due weight to the grounds which weighed with the former or higher court in rejecting the bail application. Ordinarily, the issues which had been canvassed earlier would not be permitted to be reagitated on the same grounds, as the same would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.”

Mr. Lavte would then invite the Court’s attention to a subsequent judgment of the Supreme Court in the case of ***G. R. Ananda Babu Vs. State of Tamil Nadu & Anr.***². Paragraph 6 of the said judgment, on which Mr. Lavte places reliance reads thus:-

“6. As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (Respondent 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail

¹ (2005) 2 SCC 42

² (2021) 16 SCC 725

applications, once it is rejected by a speaking order and that too by the same Judge.”

Mr. Lavte would thus submit that this Application is completely misconceived and ought not to be entertained and deserves to be rejected.

7. With the assistance of learned counsel for the parties, I have perused the Application carefully. Firstly, it may be apposite at the very outset to refer to the order dated 10 June 2025. This is an order which on the face of it would show that it is a reasoned speaking order, which was passed on merits after hearing the parties extensively and at length. The order records the submissions of the Applicant very clearly. Paragraph 4 onwards of the said order, the submissions of the prosecution and then the findings of the Court which are from paragraph 10 onwards. In my view, paragraph 16 of the said order cites certain decisions and the settled principles of law namely that Anticipatory Bail Application is an exception and not the rule. In this regard, certain judgments has also been cited in the said order.

8. The submissions made by Mr. Shinde *inter alia* in regard to the error in paragraph 11 of the said order, is not correct. This is inasmuch as a perusal of the order dated 10 June 2025 would clearly indicate that it is not passed merely on the ground of non cooperation of the Applicant as portrayed by the Applicant through Mr. Shinde, today before the Court. The Court has considered various other aspects of the matter mainly that of *prima facie* case being the *sine qua non* in such proceedings. Mr. Shinde has projected as if the order dated 10 June 2025 is passed only being swayed on the ground of ‘non cooperation’ by the Applicant in regard to which an error has crept in the order, which is factually not correct as would be clearly evident from the said order.

9. Even on such ground this Application which attempts to correct a purported error under pretext of change of circumstances, would be in the

nature of review and/or recall which is not legally permissible under our criminal jurisprudence and not something that the law would mandate. The fact that according to the prosecution the Applicant did not co-operate with the investigation very much made known by the prosecution through Mr. Lavte, learned APP during the course of the hearing on 10 June 2025. The Applicant could have even as ordinarily done even sought leave to file an appropriate affidavit or seek clarification in that regard which also was not resorted to. Any communication by the Investigating Officer to the PP would form part of the ongoing investigation. There is no reason to disbelieve/doubt the prosecution at this stage, in the given facts and circumstances.

10. Not just that, but the Applicant's conduct is peculiar. After passing of the said order being aggravated/prejudiced therefrom, he could have approached the Supreme Court. For the reasons best known to him, he chose not to do so. Mr. Shinde during the course of arguments submits that he has approached the JMFC and the Applicant there has stated as to how observations in paragraph 11 of the said order have caused prejudice to the Applicant. He had approached with a prayer to issue appropriate orders under Section 156(3) of the Code of Criminal Procedure, 1973. However, it appears that the Ld. Magistrate has not acceded to the request of the Applicant. Aggrieved by the said order, he approached the Sessions Court, where too the Applicant apparently was not successful.

11. When a question is put to Mr. Shinde as to whether such subsequent developments which apparently caused prejudice to the Applicant has been set out in this Application, Mr. Shinde would fairly state that there is no such averment made in the Application. The Application does not disclose anything of this. Thus, without there being a whisper of these so called subsequent developments, the Court is not expected to take any cognizance of such events.

12. Mr. Shinde makes a rather surprising submission that despite a detailed and speaking order being passed on 10 June 2025, he assumes the Court has not perused the case diary and/or investigation papers. This is rather shocking. A perusal of the order would itself reveal that the Court has come to its conclusion after hearing the parties at length, which would include perusal of the necessary investigation papers. This is an assumption which is made by Mr. Shinde at this stage of the proceedings which is far from being correct or plausible.

13. As far as the order relied on by Mr. Shinde, passed by a Division Bench of the Telangana High Court in Criminal Appeal No.305 of 2015 where an Interim Application had been taken out, which was under consideration, in those appeal proceedings, in completely different facts and circumstances, the Court has come to a certain conclusion. In my view, after a careful perusal of the said order passed in Criminal Appeal, it was in totally different set of facts and circumstances than the present situation of Anticipatory Bail Application before the Court.

14. Mr. Shinde has not relied on any judgment of this Court and/or Supreme Court, which would assist the Court in considering that in such situation as expressed by Mr. Shinde, a successive Bail Application would be maintainable and/or entertained. On the contrary, judgments relied on by Mr. Lavte clearly expound the law and reiterate the legal position as laid down by the Supreme Court, more particularly in the case of **G. R. Ananda Babu** (supra), where in similar facts, the Supreme Court clearly observes that successive Anticipatory Bail Applications ought not to be entertained and more so when the case diary and status report clearly indicated that the accused are not cooperating in the investigation. Such specious reasons cannot be invoked by filing successive Anticipatory Bail Application, once it is rejected by a speaking order and that too by the same judge. This is exactly what Mr. Shinde wants this Court to do which would be in the teeth

of the observations passed in paragraph 6 of the Supreme Court order (supra).

15. It is also pertinent to note that this successive Application which is clearly in my view, in the form of a review that too after almost about two months from the date of order dated 10 June 2025. If such Applications are entertained on such grounds as made out in this Application, this would be unsettled the settled law. Litigants like the present Applicant would flood the Court with such Applications on specious plea that the Investigating Officer was misinformed etc. on the ground of non co-operation by the Applicant though the Application is decided on all settled legal including that of parameters of *prima facie* case which is in fact the *sine qua non* in such proceedings. The Court cannot countenance such contention *inter alia* on the ground of prejudice to the Applicant and the submissions made by Mr. Shinde which, in my view, appear to be a clear afterthought contrary to law and decisions of the Supreme Court.

16. For all the reasons set out above, this Application, being clearly devoid of merit, is misconceived and deserves to be Rejected, outright. Anticipatory Bail Application is **Dismissed**.

[ADVAIT M. SETHNA, J.]