

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3766 OF 2024

Shivani Vishal Agarwal ... Applicant

Vs.

State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.430 OF 2025

WITH

INTERIM APPLICATION NO.5333 OF 2024

IN

BAIL APPLICATION NO.3766 OF 2024

ALONG WITH

INTERIM APPLICATION NO.426 OF 2025

IN

BAIL APPLICATION NO.3751 OF 2024

ALONG WITH

INTERIM APPLICATION NO.428 OF 2025

IN

BAIL APPLICATION NO.3809 OF 2024

ALONG WITH

INTERIM APPLICATION NO.427 OF 2025

IN

BAIL APPLICATION NO.4172 OF 2024

Mr. Shirish Gupte, Senior Advocate a/w. Mr. Vinayak Patil, Mr. Anant Charkhe, Mr. Gagandeep Singh, Ms. Dhvani Shah, Ms. Rutuja Mohite and Mr. Ranjit Ade for Applicant in BA/3766/2024.

Mr. Kunal Aher i/b. Mr. Rajabhau Chaudhary for Applicant in IA/5333/2024.

Mr. Aniket Nikam for Applicant in BA/3571/2024.

Mr. Niranjana Mundargi a/w. Mr. Vaibhav Gaikwad, Mr. Yash Naik, Mr. Alhavva R. B. and Ms. Keral Mehta for Applicant in BA/3809/2024.

Mr. Aabad Ponda, Senior Advocate a/w. Mr. Abid Mulani, Mr. Ashish P. Agarkar, Mr. Chinmay Patil for Applicant in BA/4172/2024.

Ms. Irra Dube a/w. Mr. Aniket Patil i/b. Jay & Co. for Applicant - Intervenor in IA/426/2025, IA/427/2025, IA/428/2025 and IA/430/2025.

Mr. Shishir Hiray, Special Public Prosecutor a/w. Mr. Ankur Pahade and Mr. Avinash A. Naik for Respondent-State in all Applications.

Mr. Ganesh Ingale, ACP, Crime Branch, Pune City.

CORAM : MANISH PITALE, J.

DATE : FEBRUARY 13, 2025

P.C. :

. These bail applications have been listed before this Court for consideration in the light of the fact that anticipatory bail application of the co-accused person was disposed of by this Court by an order passed on 23.10.2024 in Anticipatory Bail Application No.2564 of 2024.

2. But, recently the Supreme Court in an order dated **07.02.2025** passed in **Writ Petition (Criminal) No.55 of 2025** (*Shekhar Prasad Mahto @ Shekhar Kushwaha Vs. Registrar General Jharkhand High Court and another*) issued a clarification that if an application for bail / anticipatory bail is decided by a particular Judge and there is change in roster, the applications of co-accused persons must go to the Court subsequently assigned with hearing bail applications. The clarification had to be issued for the reason that in the petition before the Supreme Court, a question had arisen as to whether the bail application before the High Court was to be heard by the Roster Judge or a Judge, who had dealt with the bail application of the co-accused person. The relevant portion of the order dated 07.02.2025 passed by the Supreme Court reads as follows:-

“10. We, therefore, clarify that if in a particular High Court, the bail applications are assigned to different single Judge / Bench, in that event, all the applications arising out of the same FIR should be placed before one learned Judge.

11. This would ensure that there is a consistency in the views taken by the learned judge in different bail applications arising out of the same FIR.

12. However, if on account of change of the roster, the learned judge who was earlier dealing with the bail matters is not taking up the bail matters, the aforesaid directions would not be applicable.

13. Further, we expect that in order to maintain consistency in the views taken by the Court, the learned judge, who will

hear the subsequent applications filed for bail, may give due weightage to the views taken by the earlier judge, who had dealt with the bail applications arising out of the same FIR.

14. We find that if this is not followed and if the judges sitting in the Division Bench or thereafter taking up different assignments are required to take up the applications arising out of the same FIR, it may further delay the decisions in the bail matters.

15. The Registrar (Judl.) is directed to forward a copy of this order to the Registrar Generals of all the High Courts.”

3. In view of the above position clarified by the Supreme Court, these bail applications will have to be heard by the Court assigned to hear the bail applications. Hence, remove from Board.

(MANISH PITALE, J.)

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