

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 5415 OF 2024

Rajat Abu Mulani. ... Applicant.

Vs.

The State of Maharashtra ... Respondent.

Mr. Vikas Shivarkar, i/b. Mr. J.D. Khairnar, Advocate for the Applicant.

Mr. T.G. Khan, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26 JUNE, 2025.

P.C. :

1. Heard Vikas Shivarkar, learned Advocate for the Applicant and Mr. T.G. Khan, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 667 of 2022 registered at Indapur Police Station (Pune Rural) for the offences punishable under Section 395, 397, 364A, 109, 114, 120B of Indian Penal Code and Sections 3, 5, 25, 27 of Arms Act and Section 135 of Maharashtra Police Act.

3. Mr. Khan, learned APP, points out to the order dated 26th March, 2024 passed in Bail Application No. 3942 of 2023 by which

this Court after considering the matter on merits had rejected the Bail Application No. 39042 of 2023.

4. Vikas Shivarkar, learned Advocate for the Applicant states that though the earlier Bail Application was rejected by this Court on merits in paragraph-6, this Court had granted liberty to apply afresh. He therefore, states that the Bail Application is directly filed before this Court.

5. Mr. Khan, learned APP submits that the liberty as granted by this Court will have to be availed at the first instance before the Trial Court, moreso when the earlier Application has not been entertained by this Court.

6. Mr. Khan, learned APP is right in submitting that the Applicant would have to approach the Trial Court so as to enable the learned Trial Court to consider, change in circumstances. It would be convenient for the learned Trial Court to first take call on whether there is any change in circumstance.

7. In view of the above, the liberty as granted by this Court will have to be treated as a liberty to apply before the learned Trial Court at the first instance.

8. This Application is dismissed by permitting the Applicant to file a fresh Bail Application before the learned Trial Court in

terms of the liberty granted by the order dated 26th March, 2024. If such an application is filed, the same shall be considered on its own merits and in accordance with law.

(ASHWIN D. BHOBE, J.)