

*Shabnoor*

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

**BAIL APPLICATION NO.2625 OF 2025**

Iqbal Bilal Shaikh

... Applicant

**V/s.**

The State of Maharashtra

... Respondent

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Mr. Rushab Vidhgarthi a/w Mr. Mehboob J. Shaikh for  
the applicant.

Mr. Sagar R. Agarkar, APP for the State – respondent.

Mr. Amol Kadam, API, ANC Worli Police Station.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 7, 2025**

**P.C.:**

1. This bail application, in the opinion of this Court, is nothing but a clear abuse of the process of law. The applicant has tried to misuse the legal remedies available to genuinely deserving undertrial prisoners by repeatedly filing applications without any new or substantial change in circumstances. It appears to be a dishonest attempt to re-open a matter that has already been settled at various levels. The applicant's earlier bail applications have not only been rejected by this Court, but those orders have also been upheld even in appeal before the Supreme Court, which has found no reason to grant any relief in his favour. Thus, the issue of bail has already attained finality.

2. After rejection of his earlier bail pleas, the applicant approached the Trial Court with a fresh application, not on merits of the case, but on humanitarian grounds. He stated that his daughter was admitted in hospital, his son was suffering from malnourishment and asthma, and his wife had suffered a paralytic stroke. Considering these personal and family circumstances, the learned Trial Court showed indulgence and granted him temporary interim bail on 17th March 2025. This was purely a concession shown to him on sympathetic grounds and not because there was any change in the criminal case against him.

3. Thereafter, instead of surrendering after expiry of interim bail, the applicant again approached the Trial Court by filing another application (below Exhibit 46) praying for fresh interim bail, relying on the same family-related hardships which were already considered earlier. The Trial Court rightly rejected this second request by holding that sufficient time and opportunity had already been given to the applicant and there was no new material or circumstance to justify further extension. Therefore, by its order dated 24th June 2025, the Trial Court directed the applicant to surrender before the concerned Jail Authority on or before 3rd July 2025.

4. Immediately after that direction to surrender, the present application is filed before this Court on 26th June 2025, again seeking release on bail. A perusal of Clause 8 of the application reveals that the applicant has claimed to be in judicial custody and requested that personal verification may be dispensed with. However, in reality, the applicant was not in custody but was

enjoying the benefit of interim bail at the time of filing the application.

5. Such incorrect statements made in a sworn application before the Court raise serious concerns. The applicant has neither withdrawn the false statement nor has he filed any affidavit correcting the error. Filing applications without proper verification, and placing false facts on record, amounts to misleading the Court. This Court cannot tolerate such conduct. Making false claims before a Court of law affects the integrity of the judicial process and must be strongly discouraged.

6. Upon thoughtful consideration of the material placed on record, it becomes clear that the grounds raised in the present bail application are nothing new. They are merely a repetition of the same circumstances which were already placed before the learned Trial Court and were fully considered by it while deciding the earlier application. The applicant has not brought on record any fresh ground or significant change in circumstance which would warrant re-examination of the same issues by this Court.

7. This Court is aware of the scope of its powers under Section 439 of the Code of Criminal Procedure, 1973, which confers wide discretion to grant or refuse bail. However, it is equally well settled that when the Sessions Court, after considering all relevant factors, has already passed a detailed and reasoned order, this Court is not expected to act as a regular appellate forum to reassess the same facts unless the decision suffers from any glaring illegality or perversity. Mere disagreement with the conclusion reached by the

lower Court does not justify interference by this Court unless the order is shown to be completely unjust, arbitrary, or contrary to settled legal principles.

8. In the present case, the order passed by the learned Sessions Court is not only well-reasoned but also demonstrates a balanced approach between law and humanity. The Court had taken a compassionate view by granting the applicant interim bail earlier on humanitarian grounds, such as his wife's health condition and the situation of his children. However, after granting sufficient time under temporary bail, the Trial Court rightly came to the conclusion that no further indulgence was warranted and accordingly directed the applicant to surrender before the concerned jail authority.

9. Hence, no case for interference is made out. The applicant is not entitled to seek the same relief by filing multiple applications on the same set of facts, especially after being granted earlier benefit on humanitarian grounds.

10. Therefore, in the facts and circumstances of the case, and in the interest of maintaining the sanctity of the judicial process, no further indulgence is warranted. The application deserves to be rejected.

11. The Bail Application stands dismissed.

**(AMIT BORKAR, J.)**