

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3567 OF 2025

Mohammed Muneeb Abdus

Saleem Sayyed

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

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GANESH
KULKARNI

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Ms. Anjali Patil with Mr. Tohid Shaikh for the applicant.

Mr. C.D. Mali, APP for respondent No.1-State.

Mr. satish Thorat, PSI, Kurla Police Station, Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 30, 2025

P.C.:

1. This is the second bail application filed by the applicant. The first bail application being Bail Application No.1743 of 2025 came to be withdrawn by the applicant on 25 July 2025. The order passed therein is reproduced for ready reference:

“1. This is a bail application filed by the applicant under Section 439 of the Criminal Procedure Code, 1973. The matter was taken up for hearing. Learned Advocate appearing for the applicant made submissions in support of the prayer for grant of bail. However, after hearing the submissions and upon a prima facie consideration of the material on record, this Court was not inclined to grant the relief as prayed.

2. At this stage, learned Advocate for the applicant, on

instructions, seeks permission to withdraw the present bail application with liberty to file fresh application after six months. The request was made with an understanding of the consequences of such withdrawal.

3. In view of the above, the present bail application is allowed to be withdrawn with liberty as prayed for.

4. However, the applicant shall be at liberty to renew the request for bail after a period of six months from today in the event there is no substantial progress in the trial during that period.”

2. Paragraph 4 of the said order is material. It specifically records that liberty was granted to the applicant to renew his request for bail after a period of six months, provided there was no substantial progress in the trial.

3. The present bail application has been filed on 9 September 2025. It is thus filed before expiry of the six months period contemplated in the earlier order. This Court has to first consider whether such an application is maintainable.

4. The settled principle of law is that successive bail applications are not maintainable unless there is a material change in circumstances after the earlier order. This principle has been reiterated by the Supreme Court in *State of M.P. v. Kajad* (2001) 7 SCC 673, where it has been held that the bar against a second bail application is lifted only when there is a substantial change in the fact situation or in law, which has a direct bearing on the prayer for bail.

5. The learned Advocate for the applicant sought to persuade this Court to examine the merits of the case once again. However,

in my considered view, the merits of the matter stood examined when the earlier application was taken up, and the applicant himself chose to withdraw the same after noticing the Court's disinclination. Once liberty was granted with a specific condition of waiting for six months unless there was substantial progress in the trial, the applicant cannot bypass that condition by filing the present application prematurely.

6. No material is placed before this Court to demonstrate that there has been any substantial change in circumstances since the earlier order dated 25 July 2025. Neither is there any evidence to show that the trial has advanced in a manner which alters the position of the applicant. In absence of such a development, the present application cannot be entertained on merits.

7. It is a matter of judicial discipline that successive bail applications should not be entertained on the same grounds. Entertaining such applications without change in circumstances would defeat the principle of finality in judicial orders and encourage repeated attempts for the same relief.

8. In view of the above discussion, I hold that the present bail application is not maintainable.

9. Accordingly, the bail application stands dismissed.

(AMIT BORKAR, J.)