

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2487 OF 2025

Kailas J. Gore ...Applicant
V/s.
State of Maharashtra ...Respondent.

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Mr. Swaraj S. Jadhav a/w. Mr. Vijay R. Garad for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.
Mr. Aniket Nikam a/w. Mr. Sumit Patil for the first informant.
(through VC).

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CORAM : N.R. BORKAR, J.
DATE : 11.09.2025.

P.C. :

1. This is an application for anticipatory bail.
2. Learned APP for the respondent/State has drawn my attention to the orders passed by this Court in earlier anticipatory bail applications filed by the applicant dated 27th May 2025 in Anticipatory Bail Application No. 1083 of 2025 and order dated 26th June 2025 in Anticipatory Bail Application No. 1565 of 2025. It is submitted that as this court was not inclined to release the applicant on anticipatory bail, both the applications were withdrawn. It is submitted that this application is, thus, abuse of court process.
3. The order dated 27th May 2025 in Anticipatory Bail Application No. 1083 of 2025 reads thus:

"1. Heard Mr. Vijay R. Garad, learned Advocate for the Applicant in Anticipatory Bail Application No.1083 of 2025, Mr.Sameer M. Mangaonkar, leaned APP for the Respondent-State and Mr. Aniket Nikam instructed by Mr. Amit Icham,

learned Advocate for the Applicant in Interim Application No.1611 of 2025.

2. After having heard Mr. Vijay R. Garad for substantial time and this Court not being inclined to entertain the Anticipatory Bail Application, Mr. Garad, on instructions from the Applicant, seeks leave to withdraw the present Anticipatory Bail Application No.1083 of 2025.

3. In view of the request made by Mr. Garad, learned Advocate for the Applicant, leave granted to withdraw the Application.

4. The Anticipatory Bail Application is dismissed as withdrawn. There shall be no orders as to cost.

5. In view of the dismissal of the Anticipatory Bail Application No.1083 of 2025, the Interim Application No.1611 of 2025 also stands disposed off."

4. Similarly, the order dated 26th June 2025 in Anticipatory Bail Application No. 1565 of 2025 reads thus:

"After hearing the matter for some time, when this Court was not inclined to grant the relief, the learned Counsel for the applicant, on instructions, seeks leave to withdraw the application. Leave granted as prayed. The application stands dismissed as withdrawn".

5. Learned counsel for the applicant submits that there is a change in circumstance as after passing of the order dated 26th June 2025, one of the co-accused came to be arrested.

6. The submission of learned counsel for the applicant cannot be accepted. If the arrest of co-accused is treated as change in circumstance, then after rejection of anticipatory bail, the concerned accused would abscond and file the fresh application after arrest of co-accused.

7. The present application cannot be entertained and the same is rejected.

[N.R.BORKAR, J.]