

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

ANTICIPATORY BAIL APPLICATION NO.2499 OF 2025

Aughadsingh Bhairavsingh Parmar	... Applicant
V/s.	
State of Maharashtra	... Respondent
And	
Deepak Tarachand Karamchandani	... Org. Complainant

Mr. Samir Sarambalkar for the Applicant.
Mr. P. H. Gaikwad Patil, APP for the Respondent-State.
API Avinash Shelke, IO, Colaba Police Station is present.

CORAM : N.R. BORKAR, J.
DATE : 15TH SEPTEMBER 2025

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PC. :

1. This is an Application for anticipatory bail.
2. Learned Counsel for the Applicant has drawn my attention to the order dated 8th September 2025 in Anticipatory Bail Application No.3575 of 2023, which was filed by the Applicant.
3. The order dated 8th September 2025 in Anticipatory Bail Application No.3575 of 2023 reads thus:

“1. This is an application for anticipatory bail.

2. On 22nd December 2023, this court had passed the following order:

“1. Heard the learned Counsel for the parties.

2. This is an application for pre-arrest bail in connection with M.E.C.R.No.1 of 2016 registered with Colaba Police Station for the offences punishable under Sections 120B, 420, 463, 465, 467, 468, 471 of the Indian Penal Code.

3. Perused the allegations in the FIR. Prima facie, it appears that the genesis of the offences is in the dispute over the sale of a flat which the applicant claimed to have sold to the first informant, but the consideration thereof has not been fully paid and in respect of which a suit before the City Civil Court is subjudice.

4. It appears that initially the Investigating Officer had proposed to file B Summary. In the circumstances, it may be expedient to implead the first informant as party Respondent to this application and, in the meanwhile, grant interim protection to the applicant.

5. Hence, the following order :

ORDER

(i) The applicant shall implead the first informant as party Respondent to this Application.

(ii) Necessary amendment be carried out forthwith.

(iii) Issue notice to the Respondents, returnable on 12 February 2024.

(iv) Learned APP waives service on behalf of Respondent State.

(v) In addition to notice through Court, the applicant is at liberty to serve Respondent No.2 by private service and file an Affidavit of Service.

(vi) In the event of the arrest of the Applicant – Aughadsingh Bhairavsingh Parmar in connection with M.E.C.R.No.1 of 2016 registered with Colaba Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(vii) The Applicant shall co-operate with the investigation and report to Colaba Police Station on 4th and 5th January 2024 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(viii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(ix) Stand over to 12 February 2024.”

(emphasis supplied)

3. The learned counsel for the applicant submits that in terms of above order, amendment could not be carried out and he be permitted to carry out amendment.

4. The amendment to implead the first informant was to be carried out forthwith. The application was thereafter listed on various dates. Though, the matter was adjourned due to paucity of time, however, it was possible for the learned counsel to mention the matter and seek leave to carry out amendment. However, the same is not done. The default does not appear to be bona fide and appear to be just to keep the application pending after obtaining interim protection. I am therefore, not inclined to grant the permission as sought after 1 year and 9 months. Considering the overall facts and circumstances the application will have to be rejected and the same is accordingly, rejected.”

4. The Learned Counsel for the Applicant submits that this Court has not considered the matter on merit and thus the present Application is maintainable.

5. On the other hand, the Learned APP for the Respondent-State submits that in view of the order dated 8th September 2025, the present application is not maintainable.

6. The earlier Application was rejected as conduct of obtaining interim order and not carrying amendment for one year and nine months was found to be not *bona fide*. In that view of the matter, it was not necessary for the Court to consider the matter on merit. The present Anticipatory Bail Application therefore cannot be entertained and the same is rejected.

(N.R. BORKAR, J.)