

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO. 2742 OF 2025

Subhan Shoiab Patel & Anr.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Digitally
signed by
SHABNOOR
AYUB
PATHAN
Date:
2025.10.03
17:30:54
+0530

Mr. Amin Solkar a/w Ms. Muskan Memon, for the Applicant.

Mr. Sagar R. Agarkar, APP for the State-Respondent.

Mr. Kuldeep S. Patil, for the Intervener – complainant.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 3, 2025

P.C.:

1. This is the second application filed by the applicants seeking relief of pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The applicants apprehend arrest in connection with FIR No. 136 of 2025 registered with Taloja Police Station for offences punishable under Sections 352, 115(2), 118(1), 118(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The first application for anticipatory bail filed by the present applicants came to be rejected by this Court by a detailed speaking order dated 22 May 2025.

3. A careful reading of the earlier order shows that this Court had undertaken a detailed consideration of the nature of

allegations, the evidence then available, and the medical certificate placed on record, before recording reasons for rejecting anticipatory bail. The order was not summary in nature but a reasoned one, based on the merits of the material then available.

4. Learned counsel for the applicants has contended that at the time of hearing of the earlier application, certain relevant documents were not brought to the notice of this Court. According to him, such documents surfaced only after filing of the charge-sheet against the other accused. He has therefore argued that a fresh application is maintainable on account of disclosure of new material.

5. The learned APP and the learned counsel appearing for the informant have strongly opposed this contention. They have pointed out that after rejection of the earlier application, the applicants have not cooperated with the investigation. On the contrary, they have avoided appearance before the investigating officer and continue to remain absconding. It is further submitted that the charge-sheet has been filed only against the other accused and not against the present applicants. In these circumstances, they submit that there is no material change in the situation which would justify a fresh consideration of anticipatory bail.

6. Having considered the submissions and perused the material, I find merit in the objection raised on behalf of the prosecution. The rejection of the first anticipatory bail application was after a full-fledged consideration of relevant evidence including the medical certificate. The applicants now contend that certain

documents were not placed before the Court earlier. However, such documents, even if assumed to be relevant, were within the knowledge of the accused or could have been brought to the notice of the Court at that stage. The suppression or non-production of such documents at the relevant time cannot now be projected as a material change in circumstances.

7. It is a settled principle that a second bail application can be entertained only if there is a substantial change in the factual or legal position since the earlier rejection. Mere availability of some documents which could have been produced earlier does not amount to a change in circumstance. The proper remedy in such a situation would have been to challenge the rejection order before the higher forum, not to file a second anticipatory bail application before the same Court.

8. On the contrary, the record reveals that the applicants have failed to cooperate with the investigation and continue to remain untraceable. Such conduct disentitles them from seeking discretionary relief of anticipatory bail.

9. In view of the above discussion, I hold that no case is made out for granting anticipatory bail. The present application, therefore, stands rejected.

(AMIT BORKAR, J.)