* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Pronounced on: 10th November, 2025***

\+ **BAIL APPLN.2758/2025**

SURESH KUMAR JAIN
Son of Late Sh. Parasmal
R/o Flat No.16E,
Panchmukhi Ocean Heights,
Apartment, 76 Basin Bridge Road,
Old Washermenpet, Chennai, Tamilnadu ......Petitioner

Through: Ms. Anita Sahni, Mr. Anjaneya Mishra and Mr. Sahil Yadav, Advs.

versus

STATE (GOVT. OF NCT DELHI)
Through SHO
P.S. Special Cell. .....Respondent

Through: Mr. Utkarsh, APP for the State. Mr. Ayush Jain, Mr. Yashovardhan Upadhyay, Mr. Vishwas Verma, Mr. Lakshay Aggarwal, Advs. For Complainant.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Fifth Anticipatory Bail Application under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner Suresh Kumar Jain in case FIR No.166/2020 under Section 419, 420, 468 and 471 Indian Penal Code, 1860 (*hereinafter referred to as "IPC*") read with Section 66/67C/67D/71/74 of Information Technology Act, 2002 (*hereinafter referred to as "IT Act*") registered at Police Station Special Cell.

2. ***The brief facts are that*** M/s Colourful Fashion Hub/Complainant is engaged in the business of export of garments and exported garments to its foreign clients in various countries including Dubai, London and USA in the year 2019. In order to promote export, the Government of India had issued various guidelines and provided various benefits/incentives to the Exporters to encourage the inflow of foreign exchange which can be claimed by the exports which included as follows :

(a) **Duty Drawback** – This is automatically transferred into the accounts of the exporters' account as and when the process of export is over.

(b) **GST** - This is automatically transferred into the accounts of the exporters' account as and when the process of export is over.

(c) **RoSCTL** - This can be claimed online through the website of the Directorate General of Foreign Trade (DGFT) with the help of DSC Keys (Digital Signature Certificate Keys) which is a secrete key code provided online to the owner of the Company or the person authorized by the owner of the company by the DGFT after the exports are applied. The whole process is being done online after having certain secret and encrypted password given by DGFT.

3. According to the Complainant from April to May 2019 it made an export of goods worth Rs.30,12,68,247/- to UAE on which ROSCTL dues were in the sum of Rs.1,54,89,000/-. In May, 2020 the Complainant came to know from ICE GATE that five RoSCTL License scrips, all dated 12.05.2020, for the total sum of Rs.1,54,89,000/- had been transferred in the account of some unknown entities. The Complainant gave a Complaint on which present FIR No.0166/2020 was registered on 04.07.2020 by Police Station Special Cell under Section 419/420/468/471 IPC and Section 66/66C/66D/71/74 IT Act 2002.

4. It has been stated in the Complaint that these scrips were transferred to *M/s M.S. Sons* from whom it got transferred to *M/s Renuja Enterprise* and thereafter, to *M/s Kanak Exim* on the very same day. The Petitioner is the Proprietor of M/s Renuja Enterprises, and Mr. Mahendra Kumar Jain was the proprietor of M/s M.S. & Sons who has expired on 19.09.2020 due to medical ailments. Sh. Mahendra Kumar Jain is the brother of the Applicant.

5. During the course of investigations, on 26.06.2020 Inspector Sanjeev Solanki, the previous I.O. served a Notice upon the Petitioner as well as M/s M.S. Sons for providing details and status of the License scrips. Sh. Mahendra Kumar Jain was suffering from serious ailments and, therefore, the Applicant on behalf of his brother, gave a Reply vide email dated 01.07.2020 to the previous IO and provided complete details of the transaction in question. It was informed that the said scrips were purchased by M/s M.S. & Sons from M/s Colourful Fashion Hub/Complainant through commission agents Vijay Sethia, Ankush Gupta and Alip Kumar Das for a value of Rs.1,42,49,880/- at the premium rate of 92% on 09.05.2020. Copy of the Invoice raised by the Accused persons by representing themselves as owners of the Complainant, on M/s M.S. & Sons, was annexed therewith.

6. It is further stated that M/s M.S. & Sons transferred the full amount of Rs.1,42,49,880/- to the bank account of M/s Colourful Fashion Hub on the same day i.e. 12.05.2023, though it was reverted back to the bank Account of M/s M.S. & Sons due to the technical reason of the *Account being frozen*.

7. Thereafter, accused Ajay Sandhu and Vijay Sethia provided another Account No.307200210008681 IFSC Code PUNB0307200 as the bank account of the Complainant and instructed M/s M.S. & Sons not to transfer an amount of more than Rs.50 lacs, at one time. Accordingly, M/s M.S. & Sons transferred Rs.50 lacs into the said bank account. The Petitioner has also paid a commission of Rs.23,234/- to Vijay Sethia and Rs.5,60,000/- to Alip Kumar Das.

8. It is stated that during the investigations, Alip Kumar Das, Sunny Cheria and Ajay Sandhu @ Anil @ Billo who were all in connivance with each other and had forged various documents of M/s Colourful Fashion Hub, the Complainant and photographs and video of Mr. Pankaj Kumar, Director of the Complainant by impersonating and secured the DSC keys and subsequently sold the scrips to M/s M.S. & Sons.

9. The Chargesheet was filed in the Court of Ld. CMM, New Delhi on 10.09.2020. The Investigating Officer categorically stated that Petitioner herein is a bona fide purchaser of the Scrips which were sold by the accused persons in connivance with each other to M/s M.S. & Sons, who in turn sold it to M/s Renuja Enterprises which in turn sold it to M/s Kanak Exim by earning nominal commission.

10. It is further stated that while Rs.50 lacs out of Rs.1,42,49,880/- were transferred, the remaining amount of Rs.86,00,000/- could not be transferred to the Bank Account of the accused persons as the I.O himself apprised about the fraud and instructed M/s M.S. & Sons and M/s Kanak Exim to hold these licenses. All these details are mentioned in the Chargesheet.

11. It is submitted that M/s M.S. & Sons had sold the same scrips to M/s Renuja Enterprises which is the proprietorship concern of the Applicant, for the sum of Rs.1,48,83,929/- and thereafter, it was sold to M/s Kanak Exim for Rs.1,49,31,396/- by charging professional nominal margin on 11.05.2020. The Application moved by the Complainant for release of the scrips on *Superdari,* was allowed by the learned Trial Court on 05.09.2020.

12. The co-accused ***Ajay Sandhu*** was released on Interim Bail on 08.09.2020 on a condition that he would deposit Rs.19.50 lacs by way of Demand Draft in the Court. The Complainant's Counsel submitted that Complainant will deposit a sum of Rs.20,00,000/- by way of Bank Draft on behalf of the accused Ajay Sandhu in the Court as the same had already been received by the Complainant.

13. Further, Counsel for M/s M.S. & Sons agreed and submitted that the said Scrips will be kept by the Complainant and the sum of Rs.50 lacs will be paid to M/s M.S. & Sons. Despite this Order of the Ld. Trial Court dated 05.09.2020 directing release of the Scrips, it has not been so released to the Complainant due to which a Contempt Petition was filed by the Complainant against DGFT. During the hearing of the Contempt Petition, DGFT stated that Scrips of the Complainant have been utilized and these cannot be released.

14. In the meantime, the Complainant filed a Protest Petition bearing CC No.636/2021 before the Ld. Trial Court alleging that the amount of the said Scrips has been fraudulently utilized by the Applicant and either he should refund the said amount to the Complainant or obtain licenses by paying the requisite amount.

15. The *I.O. filed a Reply to the Protest Petition of the Complainant*, wherein he categorically mentioned that the Applicant was a victim of the offence committed by the accused persons and had no role in the commission of the alleged offence. Inadvertently, an Application was filed on behalf of M/s Renuja Enterprises through the Applicant instead of M/s M.S. & Sons. In the said Application, prayer was made for directions to be issued to the Complainant to supply original Transfer Letter qua the licenses duly attested by the bank, where the Complainant maintains its bank account, original invoices, original bank realisation certificate etc., but the Application was subsequently withdrawn.

16. On 10.07.2021 Notice under Section 91/160 Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) was served upon the Applicant to produce the original Scrips License, which were sent by the Applicant through post. Further, the Applicant on 20.10.2021 sent a letter to the I.O. apprising him about the misunderstanding with the Counsel in filing the aforesaid Application on behalf of M/s Renua Enterprises through Applicant instead of M/s M.S. & Sons. The Applicant also informed the I.O. that on 09.11.2021 he would be coming to Delhi.

17. It is stated that the case of the Prosecution is that the Applicant deliberately knowing that the said scrips have already been utilized, tried to misguide the Investigation Agency. From the Reply received from M/s M.K. Agrotech and M/s Kanak Exim in August, 2021 it was stated by the I.O. that the *Applicant had received a sum of Rs.1,49,31,396/- from M/s Kanak Exim on 11.05.2020 as sale consideration of these Scrips*.

18. It is further alleged by the Prosecution that the Applicant on behalf of M/s M.S. & Sons and M/s Renuja Enterprises, had purchased these scrips license of Rs.1,54,89,000/- from accused Ajay Sandhu on 09.05.2020 for Rs.50,00,000/- and sold them further to M/s Renuja Enterprises on 11.05.2020 for a sum of Rs.1,49,31,396/- and had received the amount on the same day. Later, he paid a sum of Rs.50,00,000/- only to the accused Ajay Sandhu on 09.06.2020.

19. The Applicant *vide* email dated 01.07.2020 had also informed the I.O that he had sold the Scrips to M/s Kanak Exim for a sum of Rs.1,49,31,396/- on 11.05.2020 and received the amount on the same day. He also in support thereof provided his Bank Statements to the I.O.

20. The Applicant has further asserted that Applicant on 11.05.2020, while selling the scrips to M/s Kanak Exim, had charged his professional nominal margin. Therefore, the knowledge of subsequent sale by M/s Kanak Exim to third party, cannot be attributed to the Applicant.

21. On 04.01.2023 the Ld. Trial Court had issued NBW against the Applicant which were cancelled on 03.03.2023 with the directions to the Applicant to appear physically before the I.O, on receipt of fresh Notice. However, the Ld. Trial Court rejected the prayer for grant of Bail.

22. The Applicant under the apprehension that he may be arrested by the Police Authorities, filed a Bail Application on 07.03.2023 before the Ld. ASJ which was dismissed *vide* Order dated 21.03.2023.

23. Thereafter, the Applicant preferred a Bail Application No.1087/2023 under Section 438 Cr.P.C before this Court, but it was withdrawn by the Applicant as during the pendency of the said Application, the Petitioner was able to get the copy of the Chargesheet filed by the I.O before the Trial Court. In order to produce the additional documents and to show the bonafide, he withdrew his Bail Application from this Court on 16.05.2013.

24. Thereafter, the Applicant again filed a *Bail Application No.1964/2023* before this Court along with the copy of Chargesheet. On 13.07.2023, the Applicant and the Complainant were referred to Delhi High Court Mediation and Conciliation Centre for amicable resolution of the disputes. On 31.01.2024 the Applicant gave a Statement before this Court that he shall remain available for investigations if required by the I.O and a Letter dated 16.02.2024 by the counsel for the Applicant was sent to the I.O.

25. Thereafter, the Applicant sent various messages on Whatsapp to the I.O showing his willingness to join the investigations. The Bail Application No.1964/2023 was allowed by this Court *vide* Order dated 12.03.2024 subject to the condition that the Applicant shall deposit Rs.1,00,00,000/- before the Registrar General of this Court within a period of three months.

26. An SLP Crl. No. 9016/2024 was filed before the Supreme Court on 06.07.2024 against the condition of deposit of Rs.1 Crore while securing Anticipatory Bail. However, this Petition was dismissed by the Apex Court on 18.07.2024 with liberty to the Applicant to approach the High Court by moving an Application for appropriate relief.

27. Consequently, the Applicant filed a Crl. M.A No.22052/2024 before this Court seeking modification of the Order dated 06.07.2024. This Application was withdrawn by the Applicant on 30.09.2024 and also the Bail Application No.1964/2023 before this Court and it was dismissed as withdrawn.

28. The Ld. Trial Court issued the process under Section 82 Cr.P.C against the Applicant on 09.04.2025. He then moved an Application dated 04.06.2025 before the Ld. Trial Court for the cancellation of the process under Section 82 Cr.P.C. The Notice was issued on the Application of the Applicant on 09.06.2025 and directed the physical presence of the Applicant.

29. An Application under Section 438 Cr.P.C was then filed by the Applicant before the Court of Ld. ASJ on 14.07.2025 bearing Application No.1151/2025. This Anticipatory Bail Application was dismissed without appreciating the facts and circumstances of the case on examining the matter on merits in a mechanical manner.

30. The Applicant has sought Anticipatory Bail on the ***grounds*** that he is a chronic patient of coronary artery disease and due to which his anti-anginal are escalated and he had been advised complete bed rest. The Applicant states that he was the *bona fide purchaser* of the scrips being the proprietor of M/s Renuja Enterprises which in turn had purchased the Scrips from M/s M.S. & Sons and paid the total sum of Rs.1,48,83,929/-. Furthermore, the investigations in the FIR are already complete and Chargesheet has been filed on 10.09.2020 before the Ld. Trial Court. During the investigations, co-accused Alip Kumar Dass, Sunny Cherian and Ajay Sandhu @ Anil @ Billo were interrogated, but no incriminating material could be found against the Applicant.

31. *In the Chargesheet, the Applicant was treated as a victim and his no connivance was found with the other accused person.*

32. The Applicant is being harassed solely at the instance of the Complainant who is alleging that the amount of said scrips has been fraudulently utilized by the Applicant. The Complainant is extorting a sum of Rs.86,00,000/- despite the fact that for purchasing the said Scrips, the Applicant has already paid a sum of Rs.1,48,83,929/- to M/s M.S. & Sons. The Applicant has already informed *vide* email dated 01.07.2020 to the I.O that he has further sold these scrips to M/s Kanak Exims on 11.05.2020 and had received the amount on the same day. The allegation made against the

Applicant, is completely misconceived and wrong. Once the Applicant had already sold the Scrips, he is not aware whether the same have been utilized or further sold by M/s Kanak Exim. The Applicant in due compliance of Notice under Section 91/160 Cr.P.C issued by I.O, had provided the original Scrips through post on 10.07.2021. The Renju Enterprises and M/s M.S. & Sons are two distinct and separate entities run separately by their respective proprietors.

33. It is submitted that the Applicant was bona fide purchaser of scrips and had duly paid the sale consideration. It is further alleged that the Complainant is not a genuine exporter. He had secured the Scrips illegally by misguiding the Government Authorities. The GST number of the Complainant had been cancelled *suo moto* by the GST Department. Further, till now, no ITR Return had been filed by the Complainant before the Income Tax Authority. The Importer Exporter Code is also deactivated. The Complainant has not secured a Bank Realization Certificate to confirm receipt of Rs.301268247/- from the buyers in UAE on account of export. The Complainant in fact did not export the goods and fraudulently availed the RoSCTL benefits of Rs.1,54,89,000/-.

34. The ***I.O had filed his Reply dated 12.07.2021*** to the Protest Petition preferred by the Complainant which is pending. It is stated in the Reply by the I.O that the Applicant is a victim of offence committed by the Accused and has no role whatsoever in the commission of alleged offence.

35. The Bail Application has been wrongly dismissed by learned AJ on 17.07.2025 on the ground that there is no material change in the circumstances since the dismissal of earlier Anticipatory Bail Application.

36. It has not been considered that there is material change in circumstances since at the time of dismissal of earlier Bail Application; the Chargesheet was not available along with the Applicant at the time of earlier filing**.** It has also been over looked that the I.O in his Reply to the Protest Application has clearly stated that the Applicant is a victim. It has been noted by Ld. ASJ that the condition of deposit of Rs.1 crore had not been fulfilled and the subsequent Bail Application before this Court had been withdrawn. However, it has not been appreciated that such stringent conditions cannot be imposed for securing the Bail as it is against the mandate of the Constitution of India. The learned ASJ has erred in noting that there is prima facie evidence of the active role of the Applicant in the conspiracy including the receipt of proceeds and failure to disclose complete facts during the investigations. It is further not been considered that no facts or information was withheld by the Applicant; he had made complete disclosures to the I.O. The Applicant never hampered or interfered in the investigation process; rather he facilitated the I.O for the smooth investigations.

37. The Applicant is a law-abiding citizen and has always joined the investigations as and when directed by the Police. Chargesheet has already been filed and there is no occasion for the Applicant to tamper with the evidence. He has deep roots and there is no apprehension that he may influence the witnesses.

38. *The Applicant undertakes to abide by all the terms that may be imposed while granting Bail and hence, a prayer is made that he may be granted Anticipatory Bail.*

39. ***A Status Report has been filed on behalf of the State***, wherein the entire facts as detailed in the Bail Application has been explained. It is submitted that Notice under Section 91/160 Cr.P.C was issued to the Applicant on 10.07.2021 directing him to produce the original Scrips. Instead of refunding the value of Rs.1.49 crores received be him, he sent the so called "*original*" Scrips through post, knowing full well that they had already been redeemed and was mere scrap. A clear attempt was made by the Applicant to mislead the Investigating Agency.

40. Repeated Notices under Section 41A Cr.P.C were served upon the Applicant in December, 2022, but he failed to appear. Instead, he furnished a Medical Certificate claiming to be unfit to travel between 14.12.2022 and 21.12.2022. The record reveals that during the same period, he had appeared before the Court of Judicial Magistrate, Faridabad on 14.12.2022 in CIS No.CH/1245/2022 which clearly reflects that the Medical Certificate was fabricated.

41. On account of persistent non-cooperation, the I.O moved an Application on 04.01.2023 and NBWs were issued by the court. A Raid was conducted on 19.01.2023 at Mint Street address, Chennai, but it was found to be only a commercial office and not the residential premises. Local enquiry revealed that the Applicant resided in Osian Heights Apartment, Chennai. The flat was found locked and the copy of the NBW were pasted at the premises.

42. The Applicant further misled even Madras High Court by giving the Minst Street address as his residence in his Petition, while concealing that NBWs had already been issued against him. The Ld. CMM on the Application of the Applicant, had cancelled the Warrants on 03.03.2023 subject to the condition that he shall furnish his correct residential address and shall appear before the I.O on Notice. It was clarified that this cancellation did not curtail I.O's power to **investigate**. Despite this, the Applicant again defaulted.

43. The Anticipatory Bail was granted by the Coordinate Bench of this Court on 12.03.2024 on the condition of his depositing Rs.1 Core with the Registrar General. However, the Applicant failed to comply and this condition was challenged it unsuccessfully before the Supreme Court.

44. The subsequent modification of the Order dated 12.03.2024 was sought by filing Crl. M.A.22052/2024, but the same was adjourned for 29.07.2024 on account of non-appearance of the Applicant. On 29.07.2024, the Applicant stated that he was not in a position to deposit any money and sought that the Petition be decided on merits.

45. The Application sought his discharge and this Court in its Order dated 30.08.2024 made it abundantly clear that the Anticipatory Bail granted *vide* Order dated 12.03.2024 was not available to him. The Applicant then withdrew his Application seeking modification as well as the Petition seeking grant of Anticipatory Bail.

46. It is further submitted that the Applicant continues to abscond and NBWs remained executed as the Applicant's son claimed that he is away on a religious trip. *The process under Section 82 Cr.P.C was issued on 09.04.2025 by the Ld. CJM and the Proclamation has been executed on 08.05.2025.*

47. The ***third Bail Application*** was filed before this Court suppressing the continuous defaults, evasions and dismissal of Special Leave Petition by the Supreme Court. His conduct during the investigations was full of misrepresentation, concealment, and fabrication of medical records. The Proclamation under Section 82 Cr.P.C., does not entitle him to grant of bail.

48. ***The Ld. Counsel on behalf of the Applicant has argued*** that the FIR was initially registered against the unknown persons for Export Licenses. Four co-accused were apprehended but they all had been admitted to Bail. The Chargesheet has been filed and the trial is ongoing. It is claimed that the licenses were transferred legally and till then, the Applicant had not been arrayed as an accused. The license was purchased by the Applicant on payment of due consideration and was sold further twice. The Applicant was a *bona fide* purchaser as was also concluded in the Chargesheet by the I.O.

49. Furthermore, the Applicant has duly joined the investigation and has always been willing to do so but has never been called for investigations. He further undertakes to deposit Rs.5 lakhs which was the profit earned by him.

50. ***The State has argued on similar lines as the Status Report***. It is stated that his *three Anticipatory Bail Applications* have already been dismissed by this Court. Even SLP filed against the Bail Order of this Court has been dismissed with liberty to approach this Court. The Modification Application along with fresh Bail Application filed by the Applicant already stands withdrawn. *Vide* Order dated 30.08.2024 the Anticipatory Bail granted by this Court, stands recalled. The process under Section 82 Cr.P.C. already stands executed disentitling him to any Bail.

51. Moreover, repeated Bail Applications have been filed which have all been dismissed or withdrawn. The Protest petition has been filed by the Complainant and further investigations and still ongoing and the Supplementary Chargesheet is yet to be filed. *The Bail Application is, therefore, opposed.*

52. ***Learned counsel for the Complainant*** has explained that the five scrips were transferred on the same day; the first to whom the RoSTL license got transferred was M/s M.S. & Sons of which Mohendra Kumar Jain, borther of the Applicant was the Proprietor. The scrips were then transferred to M/s Renuja Enterprise of which the Accused Suresh Kumar Jain is the proprietor. Thereafter, the scrips got transferred to M/s Kanak Exim of which his wife and elder brother are the proprietor. Further, the license got sold to M/s M.K Agrotech some other Firm, on receipt of sale consideration by the accused persons.

53. It is contended that the transaction were undertaken on the same day and the Scrips got transferred from one concerned to the other, which were none other than whose which are owned by the Petitioner of his family members. The fraud committed by the Applicant is blatantly visible on the face of the investigations.

54. It is further argued that the earlier I.O in connivance with the Applicant, had made him a victim, but subsequently on the Protest Petition filed by the Complainant, the investigations are ongoing.

55. In the end, it is contended that the Anticipatory Bail was given by this Court on the condition of deposit of Rs.1 Crore. No money was deposited. However, an Application was filed for modification coupled with another Bail Application which also got dismissed. *There is no ground whatsoever, for the grant of Anticipatory Bail.*

Submissions heard and record perused.

56. The ***first aspect of significance*** is that there are three Anticipatory Bail Applications that had been filed by the Applicant before this Court. The ***First Anticipatory Bail Application*** was dismissed on 16.05.2023. The

Second Anticipatory Bail Application which was allowed *vide* Order dated 12.03.2024 with the condition that he shall deposit Rs.1 Crore before the Registrar General. Aggrieved by imposition of this condition, the Applicant had approached the Supreme Court *vide* Crl.SLP No. 9016/2024 but it was disposed of vide Order dated 18.07.2024 giving an opportunity to the Applicant to approach this Court for appropriate relief. The Applicant then filed ***Third Anticipatory Bail Application*** along with the modification Application Crl.M.A No.22052/2024, but he withdrew his Modification application along with *third Bail Application*, on 30.09.2024. This is in addition to the two Bail Applications that were filed before the Ld. ASJ which have all met the same fate of dismissal.

57. The allegations against the Applicant all throughout have been same of having fraudulently gaining Rs. 1,49,31,396/- through fraudulent transfers of the original scrips in the Company of M/s M.S & Sons to M/s Renuja Enterprise and thereafter, to his Company on the same day. These companys are all held by his family members and himself. There has been no change of circumstances whatsoever in favour of the Applicant.

58. It is pertinent to note that as per the State, despite repeated Notices under Section 41 Cr.P.C in December, 2022, the Applicant submitted a Medical Certificate which is a fabricated document. It clearly shows his conduct in avoiding to join the investigations. Pertinently, the address given by the Applicant of Mumbai was found to be his office address and the NBWs that were sought to be executed at his residential premises, could not be executed as the flat was found locked. NBWs got pasted on the door of his flat.

59. From this entire conduct of the Applicant, it is evident that despite being aware of the pending investigations, he has been deflecting to join the investigations, but has been repeatedly trying his luck to somehow get the Bail. Pertinently, since then the process under Section 82 Cr.P.C. has already been executed against him and he had been declared an Offender.

60. In the case of *Ananda Babu vs. State of Tamil Nadu* (2021) 16 SCC 725, the Apex Court had observed that as a matter of fact, successive Anticipatory Bail Applications ought not to be entertained and more so when the Case Diary and the Status Report clearly indicate that the Accused is absconding and not cooperating with the investigations. The specious reason of change of circumstance cannot be invoked for successive Anticipatory Bail Application, once, it is rejected by a speaking Order and that too by the same Judge.

61. Likewise, in the case of *Ganesh Raj vs. State of Rajasthan & Ors*. (2005) SCC OnLine RAJ 319 reference was made to *Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav* (23) to conclude that subsequent Bail Applications under Section 438 Cr.P.C. can be filed only if there is a change in the facts, situation or the in law which requires that the earlier view being interfered where the earlier findings have become obsolete. This is the limited area in which the accused who had been denied the earlier Anticipatory Bail, can move a subsequent Bail Application. The second or subsequent Anticipatory Bail Application shall not be entertained on the ground of new circumstances of further developments, different consideration and more details, new documents or appearance of the Accused. Under no circumstances, the second or successive Anticipatory Bail Application shall be entertained by the Ld. Court of Sessions.

62. Reference be also made to *State through CBI vs. Anil Sharma* (1997) 7 SCC 187, wherein it was noted that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable Order under Section 438 of the Code. In a case where effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed, the success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest Bail Order during the time he is interrogated. Very often interrogation in such a condition is reduced to a mere ritual. The argument that the custodial interrogation is fraught with danger of the person being subjected to third degree methods, need not be countenanced for such an argument can be advanced in all the criminal cases.

63. In the present case, the first and third Anticipatory Bail Applications have been withdrawn from this Court, while the second Bail Application granting Anticipatory Bail was allowed subject to deposit of Rs.1 Crore. An application for modification of this condition was moved along with the Third Bail Application, which also has been withdrawn. *Vide* Order dated 30.04.2024 it has been noted that because the condition was not complied with, the Order of Anticipatory Bail has become no-nest.

64. It is clearly evident that there are successive Bail Application being filed with no change in circumstances. Now also, the endeavour is to indirectly overcome the Bail condition imposed by this Court in the second Bail Application, which also stands withdrawn. Not only this, the Applicant has already been declared an Offender. There exists no ground for grant of Anticipatory Bail.

65. The Bail Application is hereby, dismissed. Pending Applications are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 10, 2025
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