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2025:DHC:7121



application is extracted below:

“27. That now situation is changed and fresh ground arises after filing of charge sheet and total evidence against the applicant/accused in the charge sheet as per below:-

*a) Disclosure statement of accused Rajat Jain and Mandeep Jain that they sold the jewellery to the applicant/accused. Now these can not be read as evidence. Copy attached as **Annexure –P-14**.*

*b) Photocopy of call history of accused Mandeep Jain in which accused/applicant talked only twice just for payments of leather bags in May, 2025 after the opening the shop. Copy of call history is attached as **Annexure-P-15**.*

*c) Statement of gurd Ran Bahadur Singh that Applicant/accused used to visit the shop of arahant jeweler sometimes. It is prudent to mention here that guard was not confronted with the accused/applicant at the time when the accused applicant joined five times. Copy of statement is attached as **Annexure- P-16**.”*

4. I have heard learned counsel for accused/applicant for about 20 minutes. But despite repeated requests, what is being addressed is only the arguments according to which the earlier order dated 15.07.2025 is not sustainable. This court while dealing with the second anticipatory bail application cannot sit in appeal over the decision of the coordinate bench.

5. However, two of the additional arguments on which strong emphasis has been laid by learned counsel for accused/applicant are that on account of wrong submissions before the coordinate bench, paragraphs 11 and 12 of order dated 15.07.2025 of the coordinate bench wrongly record about the present accused/applicant having been in touch with the remaining accused, and that there is a CCTV footage of the police station depicting the admission of the complainant *de facto* about false implication of the

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KATHPALIA

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accused/applicant.

6. So far as paragraphs 11 and 12 of order dated 15.07.2025 are concerned, as mentioned above, this court cannot sit in appeal over order dated 15.07.2025. Even otherwise, a person being in touch with another is not necessarily through telephonic connectivity.

7. So far as the alleged CCTV footage is concerned, learned counsel for complainant *de facto* accompanied with his client strongly denies the complainant *de facto* having ever stated that the accused/applicant was falsely booked. Even otherwise, the alleged admission of the complainant *de facto* is dated 20.06.2025, which fact if at all truthful, clearly existed on 15.07.2025 when the earlier anticipatory bail application was dismissed.

8. None of the circumstances pleaded in paragraph 27 of the present anticipatory bail application, as extracted above, is any change in circumstances. That being so, the second anticipatory bail application is not sustainable.

9. Therefore, the anticipatory bail application and the pending applications are dismissed.

**GIRISH
KATHPALIA**

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**GIRISH KATHPALIA
(JUDGE)**

AUGUST 21, 2025/ry

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