



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 43 OF 2026

Bhimashankar Nilkanthrao Patil

Versus

The State of Maharashtra.

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Mr. M.P. Kale h/f. Mr.J.R. Patil, Advocate for applicant

Mrs. P.J. Bharad, APP for respondent.

CORAM : MEHROZ K. PATHAN, J.

DATE : 16th JANUARY, 2026.

P.C. :-

1. The applicant has filed the present application seeking his release on anticipatory bail in connection with Crime No. 76 of 2024, registered with Gandhi Chowki Police Station, District Latur for the offences punishable under Sections 406, 409, 420, 201, 465, 467, 468, 471 r/w. 34 of IPC and under Sections 3 and 4 of the M.P.I.D. Act.

2. The applicant has filed the present successive bail application after his earlier application for grant of anticipatory bail came to be rejected vide order dated 6.5.2024 passed in A.B.A. No. 494 of 2024.

3. At the outset, the learned APP takes an objection to the maintainability of the present successive application on the ground that there is no change in circumstance and as such, the present application may not be entertained.

4. The learned APP relies upon the judgments of the Honourable Supreme Court in following cases to substantiate her

contention :-

[i] Virupakshappa Gouda and another vs. State of Karnataka and another reported in (2017) 5 SCC 406,

[ii] Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav and another (2005)2 SCC 42,

{iii} G.R. Ananda Babu vs. State of Tamil Nadu and another (2021) 16 SCC 725.

[iv] Ganesh Raj vs. State of Rajasthan and others, 2005 SCC Online Raj. 319

[v] State of Maharashtra vs. Gaptain Buddhikota Subha Rao, 1989 Supp(2) SCC 605.

5. The learned APP submits that there is no prohibition in filing the successive bail application after rejection of his earlier bail application, however, the only condition is that there should be a change of circumstance. It is further submitted that the change of circumstances should be substantial in nature and not merely cosmetic. She further submits that subsequent filing of charge sheet does not amount to change of circumstance and as such, the successive application for anticipatory bail may not be entertained.

6. Per contra, the learned counsel for the applicant submits that the earlier application came to be filed before filing of charge sheet. After filing of charge sheet, the applicant filed an application for anticipatory bail before the learned Sessions Court. The learned Sessions Court rejected the application for grant of bail on the ground that the said application was successive bail application and that, mere filing of charge sheet does not become a circumstance of change. The learned counsel further submits that the present application is filed not only after filing of charge sheet, but there is a gross change in the allegations now, which becomes part of the charge sheet as the complainant himself has become

an accused and a major role is attributed to the complainant, which itself becomes a change of circumstance which would entitle the applicant to again approach this Court by filing the present successive bail application. The application may not be rejected merely on the preliminary objection of the prosecution and may therefore be entertained.

7. I have seen the investigation papers, which have now culminated into filing of charge sheet before the learned Sessions Judge. I have also perused the order dated 6.5.2024 passed by this Court in ABA No. 1494 of 2024 thereby rejecting the earlier application filed by the applicant for anticipatory bail. Perusal of the charge sheet shows that the complainant in the FIR i.e. Fulchand Pallod, who happens to be the Chairman of the Maheshwari Multipurpose Urban Cooperative Credit Society is now also arrayed as an accused in the charge sheet. The accused No.1/Chairman is alleged to have connived with another accused Premkishor Mundada and committed fraud by withdrawing huge amounts from the bank accounts of Laxmi Urban Cooperative Bank and ICICI Bank thereby committed the offences of cheating, criminal breach of trust and criminal misappropriation. The charge sheet further shows that the applicant Bhimashankar Patil is shown to be the manager of the said Cooperative Credit Society from 2009 to 2023 and with another accused Somnath Pandit who was the Cashier has committed the said offence. The role of the present applicant is also clearly made out in the charge sheet filed by the prosecution. The applicant was the Manager of the said society for a very long period and was thus, managing the affairs of the said society. There are serious allegations of the applicant diverting the amounts in the accounts of co-accused and his own accounts from the accounts of Laxmi Urban Cooperative bank, withdrawing cash amounts and thereafter personally mis-utilizing the said amount, issuing no dues certificate even though huge amounts of

debts were not paid by the borrowers. The details of the allegations against the applicant are not only mentioned in the charge sheet but are also discussed by this Court in the order dated 6.5.2024, whereby this Court has rejected the application for grant of anticipatory bail to the applicant. The Honourable Supreme Court in the case of ***Virupukshappa Gowda vs. State of Maharashtra(supra)*** was pleased to hold as under :-

“On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the factum that when a charge-sheet is filed it amounts to change of circumstance. Needless to say, filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons. As is further demonstrable, the learned trial Judge has remained absolutely oblivious of the fact that the appellants had moved the special leave petition before this Court for grant of bail and the same was not entertained. Be it noted, the second bail application was filed before the Principal Sessions Judge after filing of the charge-sheet which was challenged in the High Court and that had travelled to this Court. These facts, unfortunately, have not been taken note of by the learned trial Judge”

8. It is further pertinent to note that after the application was rejected by this Court, the applicant had approached the Honourable Supreme Court by filing a Special Leave Petition No. 10035 of 2024. The said SLP came to be rejected vide order dated 1.8.2024 by the Honourable Supreme Court.

9. Thus, taking into consideration the aforesaid material collected by the prosecution against the applicant and also the observations made by this Court vide order dated 6.5.2024 whereby the earlier application for anticipatory bail came to be rejected, the applicant

has failed to make out a case on the ground of change of circumstance for grant of bail. Hence, the application for anticipatory bail is hereby rejected.

[MEHROZ K. PATHAN]
JUDGE.

grt/-