

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 208 OF 2026**

Sayyed Naved Sayyed Zulfikar Ali ...Applicant
Versus
State Of MaharashtraRespondent

Mr. Faiz Khan *a/w Vidhi, Veer Kankaria, Gaurav Shukla, for the Applicant.*

Ms. Gauri S. Rao, *APP for the State-Respondent.*

PSI – Trupti Patil, *Crime Branch Unit-3, Mumbai, is present.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 23rd FEBRUARY 2026**

PC:-

1. On 5th December 2025, where I was not inclined to grant relief, the learned counsel for the Applicant sought permission to withdraw the Bail Application with liberty to file a fresh bail application within one year if the trial did not progress substantially. Thereafter, on 23rd December 2025, another counsel, Mr. Faiz Khan, mentioned the matter for Speaking to the Minutes of the order dated 5th December 2025, seeking deletion of the liberty granted to the Applicant

to file a fresh bail application after one year. Accordingly, the liberty granted to file a fresh application after one year was withdrawn.

2. The Applicant has now filed a fresh Bail Application. The said Application is filed within a period of 16 days. Mr. Faiz Khan, now appearing for the Applicant, submits that the erstwhile advocate had instructions to withdraw, however, the Applicant and his family members were not apprised that they would not be able to file a bail application within a period of one year.

3. Heard Mr. Faiz Khan, learned counsel for the Applicant and Ms. Gauri Rao, learned APP

4. I have perused the papers carefully. There appears to be no change in circumstances from the date when this Court was not inclined to grant relief on merits, for which reason the Applicant sought permission to withdraw the bail application, which permission was granted by this Court Court.

5. In *Vaibhav Babanrao Devkate v. State of Maharashtra* in Bail Application No.1856 of 2024 dated 18th August 2025, this Court has dealt with a similar situation. Paragraphs 13 to 18 of the said order reads thus:

“13. This legal position has been consistently followed. The Single Judge of the Gujarat High Court in State of Gujarat v. Ashish B. Gandhi, 1992 SCC OnLine Guj 152, reiterated that where the earlier application was withdrawn without being pressed, it amounts to an order of dismissal. Unless fresh circumstances or new grounds are placed before the Court, a subsequent application cannot be entertained.

14. The principle has also received imprimatur of the Supreme Court. In State of Maharashtra v. Captain Buddhikota Subha Rao, AIR 1989 SC 2292, the Apex Court held that successive bail applications would be permissible only if there is a change in circumstance which gives rise to a new ground. Again, in Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, (2004) 7 SCC 528, the Supreme Court held in clear terms that while successive bail applications can indeed be filed, the Court is obliged to consider when there has been a substantial change either in the fact situation or in the legal position which would justify the entertainment of such a fresh application.

15. When tested on the basis of the above principles, it is clear that the liberty given by this Court on 11th January 2024 cannot be read separately, nor can it be stretched beyond the limits of established bail law. The words “with liberty as prayed for” are not a blanket license allowing the accused to come back to the Court again and again on the same allegations and submissions. Judicial orders have to be understood in the light of settled principles of law, and liberty granted by the Court must always be seen as liberty controlled by the law itself.

16. If we accept the interpretation suggested by the applicant, that liberty to file a fresh application means liberty to raise all issues on merits again even without any change in circumstances, then the principle of finality in judicial decisions would be seriously affected. Every withdrawal of a bail application would then mean starting afresh and reopening the matter endlessly. This is not the intention of the law and not the purpose of judicial discretion. Courts, in criminal matters, cannot become revolving doors where the same issues are brought up again and again without any new development.

17. It is important to underline that liberty always comes with responsibility. An accused who withdraws a bail application does so with the full understanding that, at that stage, he has used up all the grounds

available to him. If he files another application, it must show fresh circumstances which could not be raised earlier or which have arisen later. Otherwise, the principles of judicial discipline and certainty in Court orders will be weakened.

18. Therefore, liberty as granted in the order dated 11th January 2024 is not carte blanche. It is liberty within the boundaries of law, subject to the requirement of changed circumstances, and controlled by the basic principle that criminal process should not be misused by filing repeated and unjustified applications.”

6. Considering that there is no material change either in the factual matrix or in the legal position between the date of the withdraw of the previous bail application and the present Bail Application, the present Bail Application is not maintainable and is accordingly disposed of.

(Dr. Neela Gokhale, J)