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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.928 OF 2026

Mohd. Sameer Gulam Husain Shaikh	...Applicant
V/s.	
State of Maharashtra	...Respondent

Ms.Shaikh Afreen Bano for the Applicant.

Mrs.S.D. Shinde, APP for the State - Respondent.

CORAM : R.M. JOSHI, J.
DATE : 7TH MARCH, 2026.

P.C. :-

1. Learned APP waives service on behalf of the State.
She is ready to work out the matter.
2. This application is for enlargement of bail in connection with Crime No.678 of 2025 registered with Pant Nagar Police Station for the offences punishable under Sections 331 (4), 305 (a), 3 (5) of BNS.
3. Learned counsel for the Applicant submits that co-

accused Nos.5, 6,7 and 9 are granted bail by the Trial Court. It is her submission that this Court while rejecting Bail Application No.4591 of 2025, granted liberty to the Applicant to file fresh application before the Trial Court. She submits that in view of the said liberty, application was filed but Trial Court has rejected the bail application. According to her in such case, the present bail deserves to be entertained.

4. Learned APP opposes the said contention by pointing out the fact that the bail was granted to the co-accused Nos. 5, 6, 7 and 9 prior to 10th December, 2025 i.e. the order passed by this Court in Bail Application No.4591 of 2025 filed by the present Applicant. It is her submission that this Court therefore has declined to grant relief even after considering the fact that the bail was granted to the co-accused and hence it is not open for this Court to pass any order which would amount to reviewing earlier order.

5. The question arises here is as to whether there is any change in circumstance after passing of the order dated 10th December, 2025 by this Court in the previous application filed

by the present Applicant. It is only in case of change in circumstances subsequent bail application could be entertained. Admittedly, the co-accused are granted bail before passing of the order on 10th December, 2025. It is not case of Applicant that the said fact was not within the knowledge of this Court while rejecting the application. It is therefore clear that inspite of the fact of grant of bail to co-accused, application for bail of present Applicant was rejected. Consequently there is no change in circumstance to entertain the fresh application. It is not open for this Court to review order passed on 10th December, 2025 directly or even indirectly. Having regard to the afore stated facts, this Court has no other option but to dismiss the Application. Hence the Bail Application stands dismissed.

(R.M. JOSHI, J.)