



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 904 OF 2025
Wasim Khan S/o. Mohd. Khan Vs. State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Parvez W. Mirza, Advocate for applicant (through VC).
Shri S. B. Bissa, APP for non-applicant/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 16.01.2026

Heard.

2. The applicant seeks anticipatory bail in connection with Crime No. 36/2025 for the offences punishable under Sections 109, 352 and Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 registered with Police Station, Karanja, District Washim.

3. The First Information Report (FIR) came to be registered against the applicant and other co-accused on the complaint lodged by one Shiman Sadiya Khan, the wife of the applicant alleging that after marriage, she was ill-treated by the applicant and other co-accused. The applicant wanted to purchase Poclain machine. Therefore, he was pressurizing the complainant to transfer agricultural land of her father. Since, the father of the complainant could not fulfill the demands, he committed suicide.

4. It is further alleged in the FIR that on 15.01.2025 between 09:30 am and 10:00 am, the applicant and other co-accused attempted to administer poison to the complainant and tried to commit her murder. Therefore, on the complaint lodged by the complainant, the aforesaid offences came to be registered against the applicant and co-accused.

5. Before proceeding to deal with the submissions of the learned counsel for the applicant, it is necessary to mention that after making an unsuccessful attempt before the learned Additional Sessions Judge, Mangrulpur, District Akola for grant of anticipatory bail, the applicant and other co-accused moved before this Court.

6. This Court by order dated 24.02.2025 allowed the anticipatory bail of the other co-accused and rejected the application of the present applicant. The applicant moved to the Supreme Court under Special Leave to Appeal and the same came to be dismissed as withdrawn. Thereafter, the applicant after filing of the charge-sheet again moved before the Sessions Court for grant of anticipatory bail and the learned ADJ, Mangrulpur rejected the application. Therefore, the present application came to be filed by the applicant before this Court.

7. It is a settled position of law that successive bail applications can lie provided that there is a

substantial change in circumstances. The learned counsel for the applicant vehemently submitted that the charge-sheet has already been filed. The statement of the eye-witnesses i.e. the complainant and her maternal uncle which came to be recorded before the Magistrate reveals that the applicant was standing outside the house, whereas the other co-accused were inside the house alongwith the complainant. Therefore, according to him, new grounds are available to the applicant for grant of bail.

8. I have heard the learned counsel for the applicant as well as the learned APP for the State. The order of this Court rejecting the bail application was passed on 24.02.2025, whereas the statement of the complainant and the eye-witnesses before the Magistrate were recorded on 30.01.2025. Specific observations have been made by this Court in the order passed on 24.02.2025 after perusing the investigating papers. Obviously, the statement of the complainant as well as her maternal uncle were already on record before 24.02.2025 when this Court passed the order rejecting anticipatory bail of the applicant. Therefore, this cannot be a ground to file second bail application. Though, the change-sheet has been filed, till date the bottle of poison has not been recovered and the alleged incident took place in the house of the applicant. Filing of charge-sheet cannot be said to be a change in circumstance, more

particularly when there is no change/development in the stage of the investigation. Considering these aspects, I do not find any force in the argument in the learned counsel for the applicant that there is substantial change in circumstances.

9. The learned counsel for the applicant seeks to rely on the order of this Court in Criminal Application (ABA) Nos. 169, 170 & 198 of 2012 wherein, anticipatory bail was granted to the applicants therein on the ground that vague allegations were made against them and the medical certificate did not indicate what type of poisoning the complainant suffered from.

10. Reliance is also placed on the decision in Criminal Application (ABA) No. 384/2025 wherein, the applicants were released on bail with a direction to attend the Police Station, treating the period of enlargement on bail be considered as custody for the purpose of Section 23 of the Bhartiya Sakshya Adhiniyam, 2023.

11. At the cost of repetition, this argument cannot be considered since the application of the applicant has already been rejected by this Court by order dated 24.02.2025 and no ground is made out to sustain second anticipatory bail application.

12. That apart, this Court in its order dated 24.02.2025 observed that the allegations of the

complainant are substantiated by the medical certificate as well as the eye-witnesses. Therefore, this will also not help the applicant to again agitate his case when his bail application has already been considered by this Court and rejected by order dated 24.02.2025. Hence, the application is devoid of merits and accordingly, it is dismissed.

(M. W. CHANDWANI, J.)