



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

CRIMINAL APPLICATION [B.A.] NO. 203 OF 2026

Prakash Tulsiramji Pandiya

-- VERSUS --

The State of Maharashtra and Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.A. Dupare, Advocate for the Applicant.

Mr. A.A. Madiwale, A.P.P. for the Non-applicant No.1/State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 05, 2026.

The applicant at earlier point of time has approached this Court by filing Criminal Application [B.A.] No.1316/2025. This Court, by an order dated 16/01/2026, has passed the following order:-

“ Heard.

2. On instructions, the learned counsel appearing for applicant seeks permission to withdraw the present application.

3. Permission granted.

4. The present application stands disposed of as withdrawn.”

2. Again, immediately the applicant has filed this application. I do not see any reasons, why this application was filed for the second time, when recently, this Court, has permitted the applicant to

withdraw the application. This is nothing but an abuse of process of law.

3. It would be useful to refer to the observations of this Court, in the case of ***Vaibhav Babanrao Devkate***, in Bail Application No.1856/2024, passed on 18/08/2025, at Principal seat at Bombay in paragraph Nos.16 and 17, which are reproduced below:-

“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.”

4. In this view of the matter, when this Court has already shown its disinclination to entertain the second application on merits and gave liberty to withdraw the application, I deem it appropriate to reject the application with costs of Rs.10,000/-. The said cost to be deposited before the trial Court within four weeks. The said cost be paid to the victim as soon as it is deposited. In case, the applicant fails to deposit the said amount, it be recovered as a land revenue under the MLR Code. With these observations, the Criminal Application is **rejected.**

[M.M. NERLIKAR, J]