

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE ANTICIPATORY
BAIL) NO. 4447 of 2026**

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YOGESHBHAI BHAGWANDAS PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR. JUCKY LUCKY CHAN(8033) for the Applicant(s) No. 1

K M JADEJA(7521) for the Applicant(s) No. 1

MR. SOAHAM JOSHI, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI****Date : 02/03/2026****ORAL ORDER**

1. The applicant who is apprehending arrest at the hands of Ichhapore Police Station, District: Surat, has preferred the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), praying for anticipatory bail. The FIR in question came to be registered as I-C.R. No. I-59 of 2014 registered with Ichhapore Police Station, District: Surat, for the alleged offences as mentioned in the FIR.
2. Heard Learned Advocate Mr. Jucky Lucky Chan for the applicant and Learned APP Mr. Soaham Joshi for the Respondent - State.
3. At the outset, the applicant had preferred Cr.M.A. (for

anticipatory bail) No.821 of 2026 which was withdrawn by his learned advocate on 15.01.2026. There after, the present successive anticipatory bail application has been filed without assigning any change of circumstances. It is also pertinent to observe that before preferring the present application, the applicant has not preferred any successive anticipatory bail application before the concerned Sessions Court. Learned advocate Mr. Jucky Lucky Chan for the applicant has relied upon the judgment of the Hon'ble **High Court of Punjab and Haryana at Chandigarh** in case of **Gurjant Singh Vs. State of Punjab** delivered in **CRM-M-44419-2025**. The said High Court in para-6 has observed thus,

"6. The present petition is a second petition for grant of anticipatory bail by the petitioner. A second anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical, to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 31.07.2025. The instant petition i.e. second petition for grant of anticipatory bail has been filed thereafter on 12.08.2025. No fresh substantial change in circumstances has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. From the

entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition. However, since the first anticipatory bail petition was dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well."

4. The High Court of Punjab and Haryana thought it fit to decide the subsequent anticipatory bail application on merits since the previous application was withdrawn and there was no adjudication on merits thereof, however, such observation shall not be binding upon this Court, as the same would be subjective satisfaction of that Court.
5. Learned APP Mr. Soham Joshi has relied upon the judgment of the Hon'ble Apex Court in the case of **G.R. Ananda Babu Vs. The State of Tamil Nadu & Anr.** reported in **(2021) 16 SCC 725**, wherein the Hon'ble Apex Court has observed thus,

"As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (respondent no.2) is absconding and not cooperating with the investigation."

The applicant herein had preferred quashing petition vide Criminal Misc. Application No.2987 of 2015 which came to be dismissed on 02.05.2025. Thus, the applicant is evading his arrest thereafter, till date.

6. Learned APP Mr. Soham Joshi has forcefully submitted that, the Court should reject this application by imposing heavy cost, in view of the same being frivolous and having been filed with malafide intention.
7. During the hearing of present application, this Court had posed a specific query to learned advocate Mr. Chan appearing for the applicant as to what were the change of circumstances under which the present application has been preferred, to which, he had replied in the negative, and had submitted that, he only wanted a reasoned order of rejection. Thus, it appears that the applicant after having instructed his previous lawyer to withdraw his application, now, wants a reasoned order by preferring a successive bail application without there being any change of circumstances. This Court cannot function as per the whims and fancies of a litigant. Though it is not mentioned in the previous order in Cr.M.A. No.821 of 2026 about the Court having heard the applicant's advocate, and thereafter, having disclosed its mind of not being inclined to entertain the said application, it cannot be said that the said application was withdrawn without the Court having accorded the opportunity of hearing to the learned advocate for the applicant. The learned advocate for the applicant had sought permission to withdraw the said application after having argued on behalf of the applicant.

8. Thus, the present application being devoid of substance and merits, this Court would not like to exercise discretion, hence, it is rejected by imposing costs of Rs.25,000/- upon the applicant, which he shall deposit with the DLSA, Surat, within two weeks from the date of this Order.

(UTKARSH THAKORBHAI DESAI, J)

AMIT ITALIAN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIT DAHYABHAI ITALIAN(HCW0112), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 20/03/2026 11:55:13