

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE ANTICIPATORY BAIL) NO. 8750 of 2025**

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ARPIT LALABHAI DESAI

Versus

STATE OF GUJARAT

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Appearance:

MR JAYDIPSINH J SOLANKI(13668) for the Applicant(s) No. 1

MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 02/05/2025****ORAL ORDER**

[1.0] RULE returnable forthwith. Learned APP waives service of notice for the respondent-State.

[2.0] By way of the present successive application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the applicant accused has prayed to release him on anticipatory bail in the event of his arrest in connection with the FIR being **C.R. No.11191015250049 of 2025** registered with **Nikol Police Station, Ahmedabad City** for the offences punishable under Sections 117(2), 118(1), 115(2) , 296(b), 351(3) and 54 of the Bharatiya Nyaya Sanhita, 2023.

[3.0] Earlier application being Criminal Misc. Application No.4232/2025 was withdrawn on 18.03.2025 as the Court was not inclined to grant anticipatory bail to the applicant.

[4.0] Heard learned advocate for the applicant and learned APP for respondent – State of Gujarat.

[5.0] From the record, it appears that present successive application seeking anticipatory bail is filed after passage of only three months from the date of disposal of earlier application on 18.03.2025 without there being any change in circumstances.

[6.0] In view of the above, as there is no change in the circumstance, the present application for anticipatory bail deserves to be dismissed in light of the law laid down by this Court in the case of **State of Gujarat vs Kanaksinh Mohansinh Mangrola** reported in **2005 (1) GLH 665**, wherein this Court held as under:

“While deciding the second successive anticipatory bail application of the respondent no.1-accused, learned Sessions Judge has not taken into consideration the following aspects. Due to change in circumstance, party can approach the court below or the High Court under Sec.438 of the Code and court can deal with that point of change in circumstance only. However, the court cannot enter into the grounds which were previously contested by the parties and have become final. Here in this case, court below has violated the basic principle of law laid down by the Apex Court on this point by dealing with all points raised by the accused in the first application filed under Sec.438 of the Code and which were already decided by the learned Addl. Sessions Judge, Surat, in detail with prima-facie reasons. Said order was carried further by the accused in the High Court and at the end of arguments, it was withdrawn and hence it has become final between the parties and hence, learned Sessions Judge should not have dealt with the same points again in the successive anticipatory applications.”

[6.1] Despite the dismissal of earlier bail application, the applicant has filed this subsequent anticipatory bail application without any change in the circumstance of the case. In this

regard, reference also needs to be made to the judgment of the Hon'ble Supreme Court in the case of **G.R. Ananda Babu vs The State of Tamil Nadu** reported in **2021 SCC Online SC 176**.

[7.0] In view of the above, this Court is of the considered opinion that if the present applicant is released on bail, he could potentially obstruct the ongoing investigation. Therefore, for a thorough and qualitative investigation, custodial interrogation of the applicant is deemed necessary. Hence, this Court is not inclined to entertain the present successive application and same is accordingly **dismissed**. Rule is hereby discharged.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 02/05/2025 15:38:25