

(2025-1)216 PLR 363 (SC)

Supreme Court of India

Before : Justice Pankaj Mithal & Justice S.V.N. Bhatti.

VIPIN KUMAR – Appellant(s)

Versus

STATE OF U.P. – Respondent(s)

Criminal Appeal No. 726 of 2025 (Arising out of SLP(Crl.) No.17918 of 2024)

Criminal Procedure Code, 1973 (2 of 1974), Section 439 – Second bail application – There is no prohibition in filing a fresh bail application after the earlier was rejected or cancelled, if granted – This Court in canceling the bail application has not taken away the right of the appellant to apply for bail afresh, if the circumstances permit – Filing of a fresh bail application, once an earlier bail application has been rejected or if granted and thereafter cancelled is a matter of right and solely on the ground that the Apex Court had not permitted filing of the fresh bail application, the High Court was not justified in dismissing the bail application.

For Petitioner(s): Mr. Praveen Chaturvedi, AOR. For Respondent(s): Mr. Vikas Bansal, Adv., Dr. Vijendra Singh, AOR, Ms. Apurva Mahndiyan, Adv., Mr. Deepak Goel, Adv., Mr. Krishana, Adv.

ORDER

(13.02.2025) – Leave granted.

2. Heard learned counsel for the parties.

3. The earlier bail application of the appellant was allowed by the High Court vide order dated 03.10.2023. However, the said order was set aside by this Court. Thereafter, the appellant applied afresh for bail before the High Court and the said application was rejected solely on the ground that Supreme Court of India while cancelling the bail granted by the High Court, had not given any liberty to the appellant to file a fresh bail application.

4. There is no prohibition in filing a fresh bail application after the earlier was rejected or cancelled, if granted. This Court in canceling the bail application has not taken away the right of the appellant to apply for bail afresh, if the circumstances permit.

5. Filing of a fresh bail application, once an earlier bail application has been rejected or if granted and thereafter cancelled is a matter of right and solely on the ground that the Apex Court had not permitted filing of the fresh bail application, the High Court was not justified in dismissing the bail application.

6. In view of the aforesaid facts and circumstances, the order impugned dated 31.05.2024 passed by the High Court rejecting the bail application of the appellant is hereby set aside and the matter is remanded to the High Court for decision afresh on merits.

7. The Criminal Miscellaneous Bail Application No. 13314 of 2024 be restored to its original file and number and may be decided afresh on its own merits.

8. The restored application be listed before the roster Bench of the High Court on 4th March, 2025 in the morning. The parties represented today before this Court shall be under an obligation to appear before the roster Bench to enable the Bench to fix a date for hearing.

9. The present appeal is disposed of in the above terms.

10. Pending application(s), if any, shall stand disposed of.

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