



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).992 OF 2025
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).808/2025)

KAMAL @ KAMAL CHOUDHARY

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard the learned counsel appearing for the parties.
3. The appellant is in custody for a period of 04 years and 08 months in connection with the offences punishable under Sections 302, 307, 326, 324, 323, 294, 147, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act.
4. The first application for bail filed by the appellant was dismissed by the Sessions Court on 7th February, 2023. The High Court also dismissed the bail application filed by the appellant. On 19th May, 2023, a special leave petition filed by the appellant was dismissed as withdrawn. Instead of filing a fresh application before the Sessions Court, a second special leave petition was filed against the same order of the High Court which was dismissed by an order dated 14th August, 2024.

5. By the impugned order, the High Court has dismissed the application for bail filed by the appellant on an erroneous ground. The High Court has observed that as no liberty was granted by the High Court and this Court to file a fresh bail application, the appellant was not entitled to file a fresh bail application.

6. We fail to understand the reasoning adopted by the High Court. Even if an earlier bail application is rejected, an accused can make a fresh application at a subsequent stage on the ground of material change in circumstances. Therefore, it was the duty of the High Court to consider the bail application on merits. However, that has not been done. After the first bail application was rejected, now all the eyewitnesses have been examined. This was a major change in circumstance brought about after the dismissal of the first application for bail by the Sessions Court. Considering this fact and considering the long duration of incarceration, the appellant is entitled to be enlarged on bail pending the trial.

7. For that purpose, we direct that the appellant shall be produced before the Trial Court within a maximum period of one week from today. The Trial Court shall enlarge the appellant on bail till the conclusion of the trial on appropriate terms and conditions, including the condition of regularly and punctually attending the Trial Court and cooperating with the Trial Court for early disposal of the case.

8. The Appeal is, accordingly, allowed.

9. Application seeking intervention stands disposed of accordingly.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
FEBRUARY 28, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).
808/2025

[Arising out of impugned final judgment and order dated 08-11-2024 in MCRC No. 43879/2024 passed by the High Court of Madhya Pradesh at Indore]

KAMAL @ KAMAL CHOUDHARY

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 48963/2025 - FOR INTERVENTION)

Date : 28-02-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s): Mr. Manish Shanker Srivastava, Adv.
Mr. Abhishek Kumar Singh, AOR

For Respondent(s): Mr. Aditya Vaibhav Singh (GA), Adv.
Mr. Pashupathi Nath Razdan, AOR
Mr. Vikas Bansal, Adv.

Mr. Akbar Siddique, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The Appeal is allowed in terms of the signed order. The operative portion of the order reads thus:

"6. ...Considering this fact and considering the long duration of incarceration, the appellant is entitled to be enlarged on bail pending the trial.

7. For that purpose, we direct that the appellant shall be produced before the Trial Court within a maximum period of one week from today. The Trial Court shall enlarge the appellant on bail till the conclusion of the trial on appropriate terms and conditions, including the condition of regularly and punctually attending the Trial Court and cooperating with the Trial Court for early disposal of the case.

8. The Appeal is, accordingly, allowed.

9. Application seeking intervention stands disposed of accordingly."

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

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]