



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1561 OF 2024

VISHAL VITTHAL DHOLE  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Ms. Sunita G. Sonawane  
APP for Respondent : Mr. S. P. Sonpawale

...

**CORAM : S. G. MEHARE, J.**

**DATE : 26-09-2024**

**PER COURT :-**

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.
2. By way of successive bail application, the applicant seeks bail in C.R.No.2095 of 2020 registered with Shrirampur City Police Station, Taluka Shrirampur, District Ahmednagar, for the offences punishable under Sections 376, 376N, 376D, 385, 386, 420, 323, 120B, 506 read with Section 34 of the Indian Penal Code.
3. The chequered history Bail Application before this Court was, the applicant applied for bail under Section 439 of the Code of Criminal Procedure. It was rejected on 10.12.2021. However, granted him an opportunity to review his request to release him on bail, if CA report is not received within three months. He again filed another bail application No.460 of 2022 before this Court, on parity. It was rejected on 28.04.2022. The order rejecting bail application was taken to the Hon'ble Supreme Court by filing

Special Leave Petition (Criminal) No.17563 of 2023. The Hon'ble Supreme Court, by order dated 10.07.2023, denied the bail. However, it is observed in paragraph No.5 that;

"It would be open to the petitioner to renew his prayer for bail before the High Court after one year from today which may be considered on its own merits and in accordance with law."

4. Thereafter, on 11.10.2023, the applicant moved an application Exhibit-73 in Sessions Case No.3 of 2021 before the learned Additional Sessions Judge, Shrirampur. The learned Sessions Judge dismissed the application Exhibit-73 on 06.11.2023. Again, the applicant had filed Bail Application No.2296 of 2023. In that bail application, the ground of no progress in the trial was raised. However, this Court, by order dated 27.02.2024, declined bail. This Court (Coram: Smt. Vibha Kankanwadi, J) observed in paragraph Nos.6 and 7 of the order dated 27.02.2024 that;

"6. Larned Advocate for the applicant vehemently submitted that the applicant is in jail since the date of his arrest i.e. 22<sup>nd</sup> October 2020 and the trial has not begun. Learned Advocate has produced the certified copy of the Roznama of Sessions Case No.3 of 2021 and submits that the Muddemal artcle which has been sent to Forensic Science Laboratory (for short "FSL"), has not been returned so also the report from FSL has not been produced. On the same ground that there is delay in the FSL report and the trial has not begun, the co-accused

has been relased and therefore, on the ground of parity the applicant deserves to be released.

7. At the outset, it can be said that ground of parity cannot be only on the ground that the trial has not begun and the Mudddemal has not been received along with the FSL report. The role attributed to the applicant is also required to be considered. It is to be noted that on 24<sup>th</sup> April 2023 the charge has been framed. All the accused have pleaded not guilty and therefore, the trial was to commence and it appears that in view of the prosecution request, the matter was adjourned to produce the FSL report on 21<sup>st</sup> August 2023. Thereafter, again when the application is filed by the present applicant for bail, time has been consumed in taking say of original informant and then deciding the matter. We cannot say that there is deliberate delay on the part of the trial Court. No doubt the present applicant is in jail since 22<sup>nd</sup> October 2020. But as regards the role attributed to the applicant in First Information Report (for short "FIR) is concerned, it can be certainly said that his role is different from the role attributed to accused No.1. Perusal of the FIR would show that the allegations are that the present applicant has video graphed the alleged rape committed by accused No.1 and then he has video graphed the alleged rape committed by accused No.1 and then he has also committed rape on the informant and after giving threat to make the video viral, forcibly taking the ATM Card and demanding amount, huger amount of Rs.61,44,600/- has been extracted from her. As regards the amounts are concerned, there is evidence that has been collected."

5. In a nut shell, this Court has declined bail on the ground of delay in the trial. Therefore, it cannot be said that it may be a new ground for seeking bail. Except the ground of delay in the trial, there is no other ground for bail. The law requires, for every successive bail, there must be a substantial change in the circumstances. Since, the ground of delay in trial has already been considered, the Court has no reason to take distinct view.

6. Hence, for the above reasons, the application stands dismissed.

**( S. G. MEHARE )**  
**JUDGE**

rrd