



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

BAIL APPLICATION NO. 1226 OF 2025

DEEPAK SURESH BORHADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ajit B. Chormal
APP for Respondent : Ms. R. R. Tandale
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CORAM : SACHIN S. DESHMUKH, J.

DATE : 03-12-2025

PER COURT:-

1. The applicant is seeking regular bail in Crime No.I-0163 of 2023 dated 19.02.2023 registered with Kotwali Police Station, Ahmednagar, for the offences punishable under Sections 307, 323, 341, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.
2. Heard the learned counsel for the applicant and the learned A.P.P. for the State. Perused the record and police papers.
3. Learned counsel for the applicant submits that this is a successive bail application. When confronted with the change in circumstances, the learned counsel for the applicant submits that there is no change in circumstances. However, the applicant is behind bars from 19.02.2023 and the trial has not proceeded further. As such, right to speedy justice is defeated.

4. Learned A.P.P. submits that similar nature of offences are pending against the applicant. In view of rejection of earlier application and in absence of any change, present application does not warrant consideration.

5. Having heard the learned counsel for the applicant and the learned A.P.P., perusal of material on record indicates that this Court by its detailed order dated 20.06.2024 has not considered the request of the applicant considering his involvement in as much as eight offences of similar nature are pending. The same disentitles the applicant to be enlarged on bail.

6. Present application is a successive application and predominantly involvement of the applicant in similar offences is evident from the criminal antecedents against the applicant. In view of the pendency of the offences of the similar nature, I am not inclined to entertain the present application.

7. The applicant is facing the charge of a serious offence under Section 307 of the Indian Penal Code. The Honourable Apex Court in the case of **Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]**, while laying down the guidelines for grant or refusal of bail in serious offences, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as

a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)

12. In regard to cases where earlier bail applications have been rejected there is a further onus on the court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the court is of the opinion that bail has to be granted then said court will have to give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted."

8. Thus, the Honourable Apex Court has underscored the obligation of the Court when an earlier bail application has been rejected. A significant onus is placed on the Court while deciding a successive bail application to justify the grant of bail. The Court must specifically consider the grounds on which the previous application was rejected. If, after this consideration, the Court forms the opinion that bail should be granted, it must record

explicit, specific reasons for doing so.

9. Apart from the same, *prima facie* material on record indicates that the act of the applicant while using the weapon with an intent to cause grievous injury, is specifically mentioned by the victim.

10. In the light of aforesaid discussion, I am of the considered view that the bail application does not warrant any consideration. Resultantly, no case is made out for grant of bail.

11. Hence, the bail application stands rejected.

[SACHIN S. DESHMUKH]
JUDGE

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