



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1942 OF 2025

YASH ALIAS YADNESH HARISH CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. N. L. Chaudhari
APP for Respondents-State : Mr. S. G. Sangale

CORAM : SACHIN S. DESHMUKH, J.
Reserved on : 9th December, 2025
Pronounced on : 12th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 21.03.2024 bearing Crime No. 232 of 2024 registered with Nandurbar City Police Station for the offences punishable under Sections 302 of the Indian Penal Code.

2. The genesis of the offence is related to the death of the complainant's brother on March 20, 2024. Consequently, First Information Report (FIR) bearing Crime No. 232 of 2024 was registered under Section 302 of the Indian Penal Code (IPC). The ensuing investigation led to the applicant being named as one of the accused.

3. The prosecution's case is built upon substantial evidence establishing the applicant's involvement in the murder of the deceased. The investigation has revealed overwhelming evidence, including the applicant's extra-judicial confession, comprehensive CCTV footage, a video transcript panchnama (site inspection report), and the corroborating statements of witnesses Amar Hiranwale, Ashwin Gavali, Chetan Bhoi, Swapnil Bhoi, Ram Marathe, and Sham Marathe. The cause of death is established as a case of murder, with prima facie circumstantial evidence placing the accused persons together with the deceased shortly before the incident (last seen together theory).

4. The previous application presented by the applicant bearing Bail Application No. 1256 of 2024 was dismissed as withdrawn by an order of this Court dated 02.09.2024 of this Court.

5. In the aforesaid backdrop, the learned counsel for applicant submits that since the other accused namely Jaywant Ganesh Patil who is similarly situated, has been enlarged on bail in a successive bail application by this Court, would entail the applicant to claim the bail on the ground of parity. It is further

submitted that the case is based on the extra judicial confession. As such, further incarceration of the applicant is not warranted. It is further submitted that the applicant is an innocent person and falsely implicated in the case.

6. The learned APP has submitted that the prosecution has cited in all 29 material witnesses. It is further submitted that the Investigating Officer has seized various articles from the spot and CCTV footage sufficiently establishes the fact that the accused being last seen together, there is substantial evidence against the preset applicant.

7. In any case, this is a successive bail application and there is no change in the circumstances. Initially, application of the applicant was dismissed as withdrawn. This Court must give serious consideration while dealing with maintainability of successive bail application at a subsequent stage when the earlier bail application had been rejected.

8. It is further submitted that this Court must give weight to changes in fact, situation, or law, or where earlier findings have become obsolete, as legitimate grounds for maintaining a

successive bail application/s. The grounds canvassed in the earlier order are not permitted to be re-agitated on the same basis, as doing so would lead to uncertainty or inequality in the administration of justice.

9. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing the charge of murder which is punishable with death sentence or imprisonment for life. The Hon'ble Apex Court in 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 like murder, 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."

10. Thus, the Hon'ble 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/s 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 an opinion that bail should be granted, it must record explicit, specific reasons for doing so.

11. A perusal of the order in Criminal Application No. 776 of 2025, upon which the learned counsel for the applicant places heavy reliance, reveals no specific reasons for the grant of bail to

the co-accused. As such, that order does not lend support to the present applicant's claim for parity or bail.

12. The Hon'ble Apex Court in the case of **Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)** has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offense.

13. Equally, the Hon'ble Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the prima facie evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the prosecution has collected overwhelming evidence against the present applicant.

14. Similarly, the Hon'ble Apex Court in case of **Pralhad Singh Bhati Vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

15. Similarly, the Hon'ble Apex Court in case of **Ram Govind Upadhyay Vs. Sudarshan Singh [(2002)3 SCC 598]**, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

16. The Hon'ble Apex Court in case of **Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010)14 SCC 496]**, has held that the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

17. In **Neeru Yadav Vs. State of UP [(2016)15 SCC 422]**, the Hon'ble Apex Court has held that the Courts must not casually ignore the criminal antecedents of the accused and must remain vigilant in heinous offences. The same principles were again re-affirmed by the Hon'ble Apex Court in case of **Anil Kumar Yadav Vs. State (NCT of Delhi) [(2018)12 SCC 129]**.

18. In the present case, the prosecution case has produced substantial circumstantial evidence. In my considered view, the prosecution has sufficiently established the 'last seen together'

theory alongwith other corroborative material and it is for the accused to offer plausible explanation. The same explanation is not put forth by the applicant. As such, as has been held by the Hon'ble Apex Court in case of **Satpal Singh Vs. State of Haryana [(2020)2 SCC 118]** that bail ought to to be withheld, if prosecution has established the 'last seen together' circumstance alongwith corroborative material.

19. Thus, the failure on the part of the applicant to offer any credible explanation regarding the overwhelming circumstantial evidence collected by the prosecution and his extra judicial confession about eliminating the deceased sufficiently establishes the motive behind the offence. It is the case of contract filing by accused No. 1 to 3 at the instance of accused No. 4. Extra judicial confession of the accused No. 1 about commission of offence. Also statements of witnesses recorded under Section 164 of CrPC of Swapnil Bhoi, Chetan Bhoi and Amar Hiranwale, sufficiently establishes the complicity of the applicant.

20. The Hon'ble Apex Court in case of **State of Bihar Vs. Amit Kumar [(2017)13 SCC 751]**, has held that delay especially in cases involving serious offences, cannot by itself be a ground for

bail. In the present case, the trial is progressing and further the prosecution has demonstrated the efforts to conclude the trial. Considering the seriousness of the offences involved, the overwhelming material weighs against the applicant.

21. Considering the material currently available, a clear prima facie case is made out showing the involvement of the accused. Equally, the Hon'ble Apex Court has consistently reiterated that when considering bail application/s in serious offenses—such as pre-meditated murder—the Court must treat vital considerations like the nature of the charge and the nature of the evidence as paramount.

22. So far as the submission of the learned counsel for applicant in relation to delay in trial, the same cannot be considered in isolation. As has been held by Hon'ble Apex Court in case of **Amit Kumar** (supra), the delay especially in cases involving serious offences, cannot by itself be a ground for bail.

23. Upon careful perusal of the grounds raised in the present application, this Court finds that the contentions raised are repetitive and those were already considered by this Court and

eventually, rejected the same while passing the order in Bail Application No. 1256 of 2024. No fresh have been brought to the notice of the Court justifying reconsideration of the matter to change the view previously taken by this Court. It is rather established principle that the successive bail application must be founded on material with change in circumstance. In absence of such change, the application deserves to be rejected.

24. To secure bail, the applicant must establish that the evidence collected and intended to be presented by the prosecution fails to establish a prima facie case of the applicant's involvement in or commission of the alleged offence. Since this necessary aspect has not been satisfied by the applicant, the applicant is presently disentitled to claim the bail.

25. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present application and accordingly, the bail application is rejected.

(SACHIN S. DESHMUKH, J.)