IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 BAIL APPLICATION NO. 1843 OF 2026

Sayan Asit Panda
VERSUS
The State of Maharashtra And Another
.....
Mr. Kulkarni Vaibhav B., Through Legal Aid, Advocate for Applicant
Smt. Ashlesha Deshmukh, APP for Respondent No.1 - State
.....

CORAM : HITEN S. VENEGAVKAR, J.
DATE : 30.10.2026

PER COURT :

1. Heard the learned Advocate for the applicant and the learned APP for the respondent – State.

2. It is an admitted position that the present application seeking regular bail is a successive bail application. The applicant's earlier bail application came to be rejected on merits by this Court by order dated 15.01.2025 passed in Bail Application No.2201/2024. The applicant was arrested on 31.08.2024 in connection with Crime No.150/2024 registered with Shanipeth Police Station, Jalgaon, for the offences punishable under Sections 377, 506, 500 of the Indian Penal Code, 1860 Sections 4, 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 66(C) and 67B of the Information Technolocy Act, 2000.

3. The learned Advocate appearing for the applicant fairly submits that the applicant's first bail application was rejected after considering the entire matter on merits. However, he submits that

the present application has been filed only on the ground that the trial has proceeded and two witnesses have already been examined. According to him, twenty-nine more witnesses remain to be examined. He further submits that since the investigation is complete, charge-sheet has been filed and the trial has commenced, continued custody of the applicant is no longer necessary. He submits that this constitutes the sole ground for filing the present successive bail application.

4. The learned APP, however, opposes the application and submits that the trial has already progressed. She further submits that the allegations against the applicant, pertaining to the alleged commission of a grave sexual offence against a 14-year-old boy, are serious in nature. She contends that mere examination of two witnesses during the course of the trial cannot, by itself, constitute a change in circumstances warranting consideration of a successive bail application filed by the applicant. She further invites my attention to the earlier order passed by this Court rejecting the applicant's bail application and submits that this Court had, while rejecting the said application, duly considered the role attributed to the applicant as well as the gravity of the offences committed against the minor. She, therefore, contends that the present application lacks merit and that the grounds urged by the applicant do not constitute a substantial change in circumstances so as to maintain a successive bail application. She accordingly prays for dismissal of the application.

5. I have heard the learned Advocate for the applicant and the learned APP for the respondent-State. I have also perused the

order dated 15.01.2025 passed in Bail Application No. 2201 of 2024 rejecting the earlier bail application of the applicant. A perusal of the said order demonstrates that the entire matter on merits, as well as the material collected against the present applicant, was duly considered by this Court. The role attributed to the applicant and the allegations regarding the commission of sexual offences against a minor boy, attracting the provisions of the POCSO Act as well as Section 377 of the IPC, were specifically noted while rejecting the earlier application.

6. In my view, the mere fact that the trial has progressed and that two witnesses out of twenty-nine witnesses have been examined cannot, by itself, constitute a change in circumstances so as to justify the entertainment of a successive bail application. No other substantial or tenable change in circumstances has been pointed out by the learned Advocate for the applicant. In the absence of any such change in circumstances, I am not inclined to entertain the present application.

7. Hence, the application stands dismissed.

[HITEN S. VENEGAVKAR, J.]

Sameer/Oct-2026