



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

BAIL APPLICATION NO. 846 OF 2025

RAMESH BALIRAM ALIAS BALBHIM DIXIT
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Yashwant P. Jadhav
APP for Respondent : Mr. S. D. Ghayal
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 05-01-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.426 of 2023 dated 24.12.2023 registered with Police Station Anand Nagar, Dharashiv, Taluka and District Dharashiv, for the offences punishable under Sections 395, 120B, 342, 412, 201, 75 of the Indian Penal Code and Sections 3 and 25 of the Arms Act.

2. It is case of the prosecution that few unknown persons entered the co-operative credit society. One person caught hold him and held revolver to his ear and took him to cabin. Three more persons were around the Manager in his chamber having the revolver. One person applied sticky tape to his hand and mouth. They committed dacoity of gold ornaments of Rs.1,85,68,000/-. The report was lodged. Upon investigation, it it was transpired that the applicant was the main person behind dacoit. The applicant was once employee and gold valuer of the credit society.

The ornaments have been recovered from the applicant. Hence, the applicant was arraigned as accused.

3. Learned counsel for the applicant submitted that the applicant is falsely implicated in the alleged crime and there is no direct incriminating material against him. It is further submitted that the applicant is suffering from HIV and other ailments. As such, the applicant's health is deteriorating due to poor medical assistance provided by the jail authority. Hence, considering the prolonged incarceration of the applicant, prayed to allow the application.

4. Learned A.P.P. has opposed the application submitting that there is sufficient material on record to establish the complicity of the applicant in the crime. The gold ornaments have been recovered at the instance of the applicant. It is further submitted that the applicant is given proper medical assistance by the jail authorities and there is substantial recovery in his health. Thus, prayed to reject the application.

5. Having heard the learned counsel for applicant and learned APP for State, the applicant is facing a serious charge of dacoity which is punishable with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine. The Honourable 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 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 given specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted."

6. 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.

7. Therefore, this being a successive bail application, earlier bail application came to be rejected by this Court vide order dated 02.09.2024. Apart from the medical grounds, no fresh grounds are raised in the present application.

8. Perusal of the record shows that the applicant is given timely medical treatment and his condition is stated as stable. Further, the applicant is also being referred to the Civil Hospital for medical treatment as and when required. Thus, the medical urgency as apprehended by the applicant does not warrant any consideration. Therefore, in the absence of any other fresh ground, this successive bail application sans merit.

9. Keeping in view the health of the applicant and in the interest of justice, the following order is passed;

ORDER

- i) The bail application is rejected.
- ii) The Jail authority is directed to provide regular and proper medical treatment and proper diet to the applicant – Ramesh Baliram @ Balbhim Dixit and if required on advise of panel doctors, refer the patient for regular check-up in Civil

hospital and also be moved and admitted in Civil Hospital for further testing and treatment.

[SACHIN S. DESHMUKH]
JUDGE

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