



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1907 OF 2025

Sachin Sudam Kamble

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. S. J. Salunke, Advocate for Applicant

Mr. C. V. Bhadane, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th JANUARY, 2026.

PER COURT :

1. Applicant has approached this Court seeking regular bail in connection with Crime No. 233/2024 registered with Palam Police Station, Dist. Parbhani for the offences punishable under Sections 103(1), 118(1), 115(2), 189(2), 189(3), 191(2) and 190 of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 17.07.2024, at about 10.30 pm, co-accused Sunil had a quarrel with the informant. When deceased Rustum Govindrao Shinde tried to intervene the quarrel, Sunil kicked and dragged the deceased near his house. Co-accused Vijay Kamble, Babasaheb and Sudam assaulted the deceased with kicks and punches and co-accused Anita, Chagunabai and Saloni Kamble threw chilli powder into the eyes of the informant. Present

Applicant climbed his house, picked up a stone and struck the same on the head of the deceased causing injury to the deceased. During treatment the deceased succumbed to the injuries.

3. The previous Application presented by the Applicant bearing Bail Application No. 40/2025 was dismissed by this Court by order dated 20.03.2025, as rejected.

4. In the aforesaid backdrop, learned Counsel for the Applicant submits that since the co-accused Suresh Modke, has been enlarged on bail by this Court vide order dated 06.09.2024, on the ground of parity the present Application deserves consideration. Hence, prayed to allow the Application.

5. Learned APP opposed the Application by contending that the offence is serious in nature and there is sufficient overwhelming material in the charge-sheet to indicate the complicity of the Applicant. It is further submitted that in the absence of any fresh grounds, this successive bail application does not deserve consideration.

6. 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 given specific reasons why in spite

of such earlier rejection the subsequent application for bail should be granted.”

7. 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.

8. A perusal of the order in Bail Application No. 40/2025, upon which the learned counsel for the applicant places heavy reliance, reveals that the role of the present Applicant is distinct from that of the co-accused enlarged on bail by this Court. As such, that order does not lend support to the present applicant's claim for parity or bail.

9. When confronted with fresh ground, the learned counsel for the applicant could not demonstrate same.

10. 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. 40/2025. No fresh grounds 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 fresh ground. In absence of such change, the application deserves to be rejected.

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

(SACHIN S. DESHMUKH, J.)

dyb