



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

BAIL APPLICATION NO.2062 OF 2025

Sumit Prakash Ghatmal

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. S.J. Salunke, Advocate for applicant
Mr. B.B. Bhise, A.P.P. for respondents – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 7th JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks his release on regular bail in connection with Crime No.152/2024, registered with Kotwali Police Station, District Parbhani for the offences punishable under Sections 302, 307 read with Section 34 of the Indian Penal Code.

2. Heard.

3. Learned counsel for the applicant submits that, this is a successive Bail Application.

4. The case of prosecution is that, the accused Nos.1 and 2, in furtherance of their common intention, committed murder of deceased Nagnath Digambar Landge.

5. As a matter of record, the Charge has been framed and the prosecution has examined witnesses.

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 give 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. 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, there is prima facie overwhelming material weighs against the applicant.

9. 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.

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

11. Resultantly, in absence of any fresh ground, the application does not warrant consideration. In that view of the matter, no case is made out for grant of bail. The Bail Application is rejected.

(SACHIN S. DESHMUKH, J.)

fmp/-