



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2425 OF 2025

NARENDRA ALIAS BHATU YASHWANT CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Vijay B. Patil
APP for Respondents-State : Mr. G. O. Wattamwar

CORAM : SACHIN S. DESHMUKH, J.
Date : 23rd January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 21.07.2023 bearing Crime No. 280 of 2023 registered with Amalner Police Station, Dist. Jalgaon for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

2. The prosecution case is that Accidental Death Report No. 52 of 2023 was initially registered with the Amalner Police Station on 25.07.2023, based on information given by the applicant. In the said report, it was stated that the applicant found the deceased Dagadu lying near his hotel. Consequently, the deceased was shifted for medical treatment to Dhule and

subsequently to Surat for further treatment, before the body was eventually handed over to his relatives. A post-mortem examination was thereafter conducted.

3. During the course of the investigation, CCTV footage was collected and the statement of witness Pankaj was recorded. It is alleged that on 22.04.2023 at 12:20 am, the applicant was seen beating the deceased Dagadu, an incident which was captured on CCTV. Accordingly, the FIR was lodged against the applicant.

4. The previous application presented by the applicant bearing Bail Application No. 1021 of 2024 was dismissed vide order dated 27.09.2024 of this Court. Thereafter, the applicant preferred Bail Application No. 2058 of 2024, which came to be dismissed as withdrawn with liberty to move afresh after six months, if trial could not progress by that time.

5. In the aforesaid backdrop, the learned counsel for applicant submits that the previous application was withdrawn (Bail Application No. 2058 of 2024), with liberty to move afresh after six months, if the trial does not progress. Since the said period has elapsed and the trial has not progress, therefore, the applicant is

now entitled to seek bail. Prolonged incarceration without progress in the trial violates the applicant's fundamental right to a speedy trial under Article 21 of the Constitution of India. Continued detention in the event the trial is not likely to conclude soon serves no "fructuous purpose". As such, further incarceration of the applicant is unjustified. As such, prayed to allow the application.

6. The learned APP has submitted that the prosecution case is not based on mere suspicion but on clinching electronic evidence. The CCTV footage 22.04.2023, clearly captures the applicant brutally beating the deceased. This provides a strong prima facie case of the applicant's direct involvement in the assault that led to the victim's death. The statement of witness Pankaj further corroborates the visual evidence, establishing a consistent narrative of the applicant's violent conduct at the scene of the crime

7. In any case, this is a third bail application, presented in quick succession and when confronted with the change, the learned counsel for applicant could not demonstrate any change in the circumstances. The first bail application of the applicant was dismissed on its merit by this Court and the subsequent bail

application was also 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. 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.

12. 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.

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. 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.

15. 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]**.

16. 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 offence.

17. In the present case, the prosecution case has prima facie produced overwhelming evidence. The prosecution's case is fortified by CCTV footage from 22.04.2023, which directly captures the accused assaulting the deceased. It is a settled position that while technical admissibility is a matter for trial, authentic video evidence showing the accused's role is a strong ground for denying bail in heinous crimes.

18. Moreover, the statement of witness Pankaj provides direct corroboration to the electronic evidence, establishing a clear link between the applicant and assault by the applicant. Perusal of record prima facie indicates that the applicant's initial report of an Accidental Death was a strategic attempt to obfuscate the truth and shield himself from prosecution. The said conduct prima facie demonstrates a propensity to subvert the course of justice.

19. 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.

20. Considering the material available, a clear prima facie case is made out indicating the prima facie 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.

21. 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.

22. Thus, 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. 1021 of 2024. No fresh grounds have been brought to the notice of the Court justifying and warranting 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.

23. 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.)

Omkar Joshi