



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

**BAIL APPLICATION NO.2439 OF 2025**

**Avinash Shamlal Gupta**

**... APPLICANT**

**VERSUS**

**The State of Maharashtra**

**... RESPONDENT**

.....  
Mr. N.R. Shaikh, Advocate for applicant  
Mr. P.P. Dawalkar, A.P.P. for respondent – State  
.....

**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 20th FEBRUARY, 2026**

**PER COURT :**

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.
2. This is a successive bail application filed by the applicant.
3. It is a well-established legal principle that a subsequent bail plea must be predicated on a substantial change in

circumstances or the emergence of new material facts after the rejection of the previous application.

4. When the learned counsel for the applicant is confronted to demonstrate any such new grounds or change in circumstances, he failed to provide any fresh material or valid justification that would warrant a reconsideration of the earlier decision.

5. Having heard the learned counsel for applicant and learned A.P.P. for the State, the applicant is facing a serious charge of murder 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 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 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.”

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 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. Apart from delay in trial, no other fresh grounds are raised by the applicant. 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 sole ground for bail. In the present case, the trial Court actively making an endeavour to proceed with the trial and has produced a status report to that effect.

8. Therefore, in the absence of significant any demonstrable change in circumstances, the application lacks merit and does not warrant further consideration.

9. Hence, the bail application stands rejected.

**(SACHIN S. DESHMUKH, J.)**

fmp/-