

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 133 OF 2026

Sunil Vasant Chougule

VERSUS

State Of Maharashtra

Mr. Chirag Sonecha , Advocate for Applicant

Mr. Nitin B. Patil APP for the State

CORAM : SACHIN S. DESHMUKH, J.

DATE : 23rd MARCH, 2026.

P.C. :

1. Heard.
2. The applicant seeks regular bail in connection with C.R. No. 415/2024 dated 15/11/2023 registered with Kavathemahankal Police Station, District Sangli for offences punishable under Sections 302, 193 of the Indian Penal Code, 1860.
3. Prosecution case is that, on the night of November 14, 2023, the complainant's aunt informing that deceased has been assaulted in the village. Sunil, friend of deceased informed the complainant that while traveling between Langerpeth and Shinde Vasti, three unidentified individuals intercepted and brutally assaulted both of them. He stated that he sustained injuries to both hands, and that deceased had been left severely injured and unconscious by the

roadside. Deceased was transported to the Government Hospital. Upon examination, doctors pronounced him dead on arrival. Hence, the report.

4. 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.”

5. Thus, it casts a further onus upon this Court while deciding a successive bail application before reconsidering and substituting the earlier view.

6. This being a successive bail application, when confronted with demonstrable change in circumstances warranting reconsideration of the earlier order passed by this Court, the learned Counsel has emphasized that there is delay in trial. However, plea of delay in trial cannot be considered in isolation for bail as observed by the Hon'ble Apex Court in ***Neeru Yadav Vs. State of UP*** [(2016) 15 SCC 422].

7. Equally, the Hon'ble Apex Court in the case of ***X Versus State of Rajasthan and Anr (2024 INSC 909)***, wherein the Hon'ble Apex Court has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity etc. once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or High Court should be loath in entertaining the bail application of the accused”.

8. In view of the aforesaid facts and precedents, it is evident that apart from delay in trial, same cannot be considered in isolation, no

other fresh grounds are raised by the applicant. Thus, in absence of demonstrable change in circumstances and the learned APP has demonstrated progress in trial, I am not persuaded to exercise discretion in favour of the applicant.

9. In that view of the matter, application is dismissed. The concerned Court is requested to make an endeavour to conclude the trial at the earliest.

[SACHIN S. DESHMUKH, J.]

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