

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3660 OF 2025

Indrajeet Alias Ajay Ananda Kumbhar

VERSUS

State of Maharashtra And Anr.

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Mr. Ganesh M. Khatkale, Advocate for the Applicant.

Mr. Balasaheb Ligade (Through V.C.) for Respondent No.2.

Mr. Nitin B. Patil, APP for the Respondent No.1 - State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 18th MARCH, 2026.

P. C. :

1. The applicant seeks bail in C.R. No. 560 of 2021 Dated 20.05.2021 registered with Sangola Police Station, District, Solapur, for the offences punishable under Sections 376 (3), 354 A, 504 and 506 of the Indian Penal Code and Sections 4, 8, 10, 12 and 42 of the Protection of Children From Sexual Offences Act, 2012.

2. The prosecution case is that, from January 2020 to March 2021, the applicant/accused repeatedly committed acts of sexual exploitation against the informant's minor daughter at their residences. It is alleged that despite knowing the victim was a

minor, the accused consistently harassed her, showed her explicit sexual content on a mobile phone and subjected her to non-consensual sexual intercourse. Furthermore, the accused intimidated the victim with threats of dire consequences should she disclose these incidents to anyone. Hence, the report.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the alleged crime. The applicant has been in custody since his arrest on 20.05.2021 and the earlier bail application of the applicant was rejected. However, the trial is not progressing. Therefore, further detention of the applicant is not warranted.

4. Learned APP and learned counsel for Respondent No.2 have opposed the application submitting that there is no change in circumstances and since this is a successive bail application, this application deserves to be dismissed.

5. Having heard the submissions of the respective parties and upon perusal of the record including the charge-sheet *prima facie* indicates that the applicant is a relative of the victim and has allegedly committed sexual assault against her. Admittedly, this is a successive bail application. When confronted with any demonstrable

change in circumstances, the learned counsel for the applicant could not demonstrate any ground, except for delay in trial, in any case same cannot be considered in isolation.

6. 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.”

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

8. Pursuant to the order dated 09.02.2026 of this Court, the concerned trial Court has submitted a status report indicating that the charge is framed and the examination-in-chief of PW-1/complainant is recorded. It is further revealed that thereafter the applicant has preferred an application seeking time for appointment of a new Counsel and the matter is posted for cross examination. As such, the delay in trial is caused at the instance of the applicant while the trial Court is making an endeavour to conclude the trial at earliest.

9. Nevertheless, the 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].

10. In view of the aforesaid facts and precedents, it is evident that apart from delay in trial, no other fresh grounds are raised by the applicant. Thus, in absence of any other change in circumstances and considering the principles laid down by the Hon'ble Apex Court in case of *X versus State of Rajasthan and Anr.*¹

¹ 2024 INSC 909

has cautioned for granting bail to the accused of serious offences like that of murder, rape, dacoity etc. once the trial commences, I am not inclined to exercise discretion in favour of the applicant.

11. Resultantly, the application stands rejected.

[SACHIN S. DESHMUKH, J.]