

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

CRIMINAL BAIL APPLICATION NO. 3663 OF 2025

PRAKASH SHEKHAR HADIMANI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms. Saniya Patki
Advocate for Respondent : Mr. A. S. Shalgaonkar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11-03-2026

PER COURT:-

1. The applicant seeks bail in connection with Crime No.155 of 2024 dated 26.03.2024 registered with Hatkanangale Police Station, District Kolhapur, for the offences punishable under Section 302 of the Indian Penal Code. In the said crime, the applicant was arrested on 26.03.2024. Upon completion of the investigation, the chargesheet is filed.

2. Present application is a successive application, the previous application presented by the applicant bearing Bail Application No. 4133 of 2024, was dismissed by the order of this Court, dated 21.01.2025.

3. It is well settled 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 confronted, the learned counsel for the applicant to demonstrate any such new grounds or change in circumstances, could not demonstrate any fresh material or valid justification that would warrant a reconsideration of the earlier decision.

5. The Honourable Apex Court, in the 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."

6. Similarly, the Honourable Apex Court, in the 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.

7. The Honourable Apex Court, in the 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.

8. Equally, the Hon'ble Apex Court, in the 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.

9. The Honourable Apex Court, in the 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.

10. There is no material change in circumstances to warrant a contrary view. Moreover, the practice of filing successive bail applications while the trial is being conducted on a timely basis, such tactics only serve to protract the proceedings deserves to be deprecated.

11. Although, the applicant has been in custody since 26.03.2024, the gravity of the offence and the *prima facie* evidence of the applicant's involvement outweigh the grounds for release. The parties are directed to cooperate in the expeditious conduct of the trial rather than filing intervening applications that hinder the progress in trial.

12. In light of the aforesaid facts and precedents, the statutory embargo under the Act, and the repeated dismissal of previous application on similar grounds, this Court finds no merit in the present application.

13. Accordingly, the criminal bail application is rejected.

14. Needless to state that the observations rendered herein are confined to the extent of decision of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]