

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

CRIMINAL BAIL APPLN. NO. 3697 OF 2025

Shivaji Alais Dajiram Rangnath Waghmare	Applicant
<u>Vs.</u>	
The State Of Maharashtra	Respondent

WITH
CRI-INTERIM APPLICATION (STAMP) NO. 850 OF 2026
IN
CRIMINAL BAIL APPLN. NO. 3697 OF 2025

Suhas Sopan Waghmare	Applicant
<u>Vs.</u>	
Shivaji @ Dajiram Rangnath Waghmare	Respondent

Ms. Manisha Devkar a/w Mr. Ruturaj Kadam, i/b Mr. Shankar Katkar
for the applicant
Mr. Balwant Salunke a/w Mr. Omkar Korutkar for the intervener

CORAM	:	SACHIN S. DESHMUKH, J.
DATE	:	5th MARCH 2026.

P.C.

1. The applicant seeks regular bail in connection with C.R. No. 404 of 2022 dated 07/08/2022 registered with Malshiras Police Station, District Solapur for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.
2. This being successive bail application, when confronted with change, learned counsel for the applicant is not in a position to demonstrate any change in circumstance.

3. The Honourable 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 given specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted."

4. 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.

5. In that view of the aforestated circumstances and fact that applicant could not demonstrate any change warranting consideration of the present application, the application stands rejected.

6. In view of disposal of bail application, Interim Application Stamp No. 850 of 2026 also stands disposed of.

(SACHIN S. DESHMUKH, J.)

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