IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 3780 OF 2025

DIGAMBAR ROHIDAS AGAWANE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Senior Counsel Mr. Sudeep Pasbola i/b Mr. Sachin Deokar and Mr. Chinmay Godse
Special PP for Respondent-State : Senior Counsel Mr. Harshad Nimbalkar assisted by Dr. Ashivni A. Takalkar

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CORAM : SACHIN S. DESHMUKH, J.
Date : 8th April, 2026

ORDER :-

1. The applicant seeks bail in connection with FIR dated 13.12.2022 Crime No. 892 of 2022 registered with Phaltan Rural Police Station, District Satara, for the offences punishable under Section 307, 394, 392, 384, 385, 386, 387, 364, 364(a), 369, 341, 343, 420, 465, 467, 468, 471, 504, 506 read with 34 of the Indian Penal Code alongwith Section 3 read with 25 of the Indian Arms Act alongwith Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. This is a successive occasion, the applicant has

approached this Court. The previous application presented by the applicant bearing Bail Application No. 3963 of 2023, was rejected by the detail order of this Court dated 19.11.2024 and further endorsed by the Hon’ble Apex Court.

3. When confronted with the same, the learned Senior Counsel for the applicant fairly conceded that this is a successive bail application, the earlier application having been rejected on merits. Except for the delay in trial, no fresh grounds or change in circumstances are being contended.

4. The learned Special Public Prosecutor Mr. Nimbalkar, submitted that in view of this being a successive application, the submission does not warrant consideration and is liable to be dismissed, as the grounds raised in the present application have already been dealt in detail in the earlier order.

5. Having heard the submissions from both sides and upon perusal of the record, including the present bail application and the previous order of this Court, it is observed that all grounds raised herein were already dealt in detail by this Court while rejecting the applicant's bail application vide order dated 19.11.2024 and eventually the same was endorsed by the Hon’ble

Apex Court. As such, no fresh grounds have been raised in the present petition except delay in trial. However, the same can't be considered in isolation. 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 ground for bail.

6. 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 :

> *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."*

7. Apart from delay in trial, no other fresh grounds or change in circumstances are put-forth by the applicant. There is no material change in circumstances to warrant a contrary view, and the practice of filing successive bail applications while the trial is proceeding timely, a tactic that only serves to protract proceedings,

deserves to be deprecated.

8. In light of the aforesaid facts and precedents, the statutory embargo under the MCOCA Act, the dismissal of previous application on similar grounds and the endorsement of same by the Hon'ble Apex Court, this Court finds no merit in the present application.

9. Accordingly, the criminal bail application is **rejected**.

10. In the interest of justice, the trial court is requested to make an endevour to conclude the trial expeditiously.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi