

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 119 OF 2026

Rakesh Rangrao Kesare
VERSUS
State of Maharashtra And Another

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Mr. Niranjan Bhavake a/w Mr. Sandeep Deshpande i/by Bhavake
and Associates, Advocate for Applicant.

Dr. A. A. Takalkar, APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 26th MARCH, 2026.

P. C. :

1. By this application, applicant is seeking regular bail in C.R. No. 263 of 2021 registered with Shahuwadi Police Station, District Kolhapur for offences punishable under Sections 302, 363, 201 of the Indian Penal Code.
2. Heard.
3. Learned APP has pointed out that this is a successive bail application and the learned Counsel for the Applicant has conceded the same.
4. When confronted about the change in circumstances, apart from the delay in trial, the learned Counsel for the Applicant has

failed to demonstrate any other new grounds or change in circumstances.

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 given specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted.”

6. Thus, the Apex Court has casted onus on the Court while dealing with a successive bail application and 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.

7. The record further indicates that the applicant is charged for an offence of murder and now the trial has progressed. The **Hon'ble Apex Court in case of X versus State of Rajasthan and Anr.¹** has cautioned against granting bail in serious offences like rape, murder, dacoity etc. once the trial commences and the prosecution witnesses are being examined.

8. Moreover, 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]**, prima facie there is overwhelming material on record indicating complicity of the applicant in the alleged offence.

9. In view of the aforesaid facts and precedents coupled with the fact that this is a successive bail application and in absence of any other substantial change in circumstances as well as the absence of

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any other fresh grounds, I am not inclined to entertain present application.

10. The application is rejected.

[SACHIN S. DESHMUKH, J.]