

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

CRIMINAL BAIL APPLN. NO. 176 OF 2026

SHRI KARBASAYYA VIRBHADAYA HIREMATH
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

Advocate for Applicant : Mr. Ranjeeth Patil
APP for Respondents-State : Mr. A. S. Shalgaonkar

CORAM : SACHIN S. DESHMUKH, J.

Date : 1st April, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 18.08.2024 bearing Crime No. 500 of 2024 registered with Tembhurni Police Station, Dist. Solapur for the offences punishable under Sections 178, 180, 181, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the applicant and learned APP for the State.

3. The learned counsel for the applicant submits that this a successive bail application and the earlier application has been dismissed as withdrawn by this Court. When confronted about the

change in circumstance, the learned counsel for application could not demonstrate the same.

4. The Hon'ble Apex Court in case of **Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]** 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."

5. In the aforesaid backdrop, the applicant has failed to point out any fresh grounds for presenting this successive bail application and the existing grounds have already been addressed. As such, I am not inclined to exercise discretion in favour of the applicant.

6. Furthermore, entertaining a repeated application on identical grounds would effectively amount to an impermissible review of this Court's earlier decision. Judicial discipline dictates that once a court has declined to exercise its discretion, that order

attains a degree of finality unless a "fresh ground" emerges which was not previously available to the applicant. The applicant has failed to point out any such fresh ground and the arguments presently advanced are merely a reiteration of the existing grounds already addressed. Allowing such a practice would encourage forum shopping and result in an abuse of the process of the Court.

7. The learned counsel for applicant submits that co-accused in the present crime have been enlarged on bail. Therefore, the applicant is entitled to be enlarged on bail on the ground of parity.

8. In the case of **Sagar vs. State of U.P. (2025 INSC 1370)**, the Hon'ble Apex Court held that the principle of parity cannot be applied mechanically or as an absolute right. The Court clarified that an accused is not entitled to bail simply because a co-accused has been released; rather, the Court must conduct a comparative analysis of the individual roles, the nature of the allegations, and the specific culpability of each person.

9. Consequently, in the absence of any demonstrable change in the fact-situation or the law, this Court finds no reason

to deviate from its earlier stand and is not inclined to exercise its discretion in favour of the applicant.

10. In that view of the matter, the bail application being devoid of merits, is **rejected**.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi