

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

CRIMINAL BAIL APPLICATION NO. 244 OF 2026

SWATI CHHABURAO MANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sunil Kamble
APP for Respondents : Mr. Nitin B. Patil
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 22-04-2026

PER COURT:-

1. By this application, applicant is seeking regular bail in Crime No.395 of 2022 registered with Sangli Police Station, District Sangli, for the offences punishable under Sections 363 and 308 read with Section 34 of the Indian Penal Code and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
2. Heard.
3. Apart from the delay in trial, the learned counsel for the applicant has failed to demonstrate any other new grounds or change in circumstances, this being successive application.
4. 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."

5. Thus, the Apex Court has casted a significant 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.

6. The record further indicates that the applicant is charged for the offence of kidnapping and attempt to commit culpable homicide and now the trial has progressed. The Honourable Apex Court in the case of ***X vs State of Rajasthan and Another, 2024 INSC 909***, has cautioned against granting bail in serious offences like rape, murder, dacoity etc. once the trial commences and the prosecution witnesses are being examined.

7. Moreover, the plea of delay in trial cannot be considered in isolation for bail as observed by the Honbournable Apex Court in the case of ***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.

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

9. The criminal bail application is rejected.

[SACHIN S. DESHMUKH]
JUDGE