

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE,
AMBAJOGAI**

Special Case No. 79/2025

CNR No. MHBI040008282025

Satish S/o Annasaheb Munde ... Applicant/Accused No. 3

Versus

State of Maharashtra ... Respondent

ORDER ON REGULAR BAIL APPLICATION UNDER SECTION 483

B.N.S.S. at Exh 55

The present application is filed by accused No. 3 seeking regular bail in connection with Crime No. 258 of 2025 registered at Ambajogai Rural Police Station for the offences punishable under Sections 64, 70(1), 76, 115(2), 351(2), 351(3), 3(5), 143(2)(4), 144(1), 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012. This is a subsequent bail application.

2. The learned counsel for the applicant submitted that the applicant is falsely implicated, that the allegations in the FIR are vague and concocted, and that the prosecutrix has already entered the witness box. It is submitted that the independent witness examined so far has turned hostile and that the remaining witnesses are official witnesses. It is further contended that there is no possibility of the applicant influencing the evidence, that he has roots in society, has fixed employment, and is willing to abide by all conditions. It is also urged that the applicant is in custody since 10.08.2025, that the trial is

likely to take time, and that prolonged incarceration without conclusion of trial would amount to pre-trial punishment. Reliance has been placed on the principle that bail is the rule and jail is the exception.

3. The learned Additional Public Prosecutor has strongly opposed the application. It is submitted that the offence alleged is grave in nature and involves sexual assault upon a minor attracting the stringent provisions of the POCSO Act and the Bharatiya Nyaya Sanhita. It is contended that there is strong material against the applicant, that release on bail may result in intimidation of the prosecutrix and other witnesses, and that the seriousness of the charge is itself a relevant circumstance. It is further submitted that the stage of evidence is still continuing and that the application deserves rejection.

4. I have given anxious consideration to the rival submissions and perused the record. In a bail matter, this Court is required to balance the liberty of the accused with the interest of fair administration of justice. The governing considerations remain the nature and gravity of the accusation, the prima facie material collected during investigation, the stage of the trial, the likelihood of the accused tampering with evidence or influencing witnesses, the possibility of abscondence, and the larger interests of society. At the same time, continued incarceration cannot be treated as a substitute for punishment, and where trial has sufficiently progressed, the Court must assess whether further detention is really necessary.

5. At the outset, it is necessary to note that a subsequent bail application is not maintainable merely because it is styled as a fresh application. The law is well settled that where an earlier bail application has been rejected, a later application can be entertained only if there is a material or substantial change in circumstances after the earlier order. The change must be real, relevant, and capable of affecting the earlier view of the Court; a mere passage of time, repetition of arguments, or insignificant developments do not suffice. This principle has been consistently affirmed by the Hon'ble Supreme Court.

6. Tested on that principle, the applicant has failed to show any such change in circumstances. The commencement of evidence is not, by itself, a ground for bail in a subsequent application unless it is shown that the prosecution evidence has fundamentally altered the earlier position. Here, the applicant only points out that evidence has begun and that some witnesses have been examined. That circumstance was in the contemplation of the Court when the matter progressed to trial, and it does not constitute a new or exceptional ground for reconsideration.

7. The notice issued by the employer to the applicant also does not improve his case. Such a notice is a private employment-related development and cannot be treated as a legal or factual change touching the merits of the criminal case. It does not dilute the seriousness of the allegations, nor does it create any fresh ground for

release on bail. On the contrary, it is a collateral circumstance having no bearing on the statutory considerations governing bail.

8. The applicant has further relied upon the fact that witnesses have already been examined. That submission also does not persuade this Court. The question in a subsequent bail application is not whether the trial has moved forward in some manner, but whether something substantial has occurred which changes the balance that existed when the earlier request was considered. No such substantial change is demonstrated here. The applicant has not shown any new legal development, any material weakening of the prosecution case, or any supervening circumstance that would justify departure from the earlier view.

9. The offence alleged is grave and involves serious sexual offences under the BNS and POCSO Act. In such matters, the Court must be slow to enlarge the accused on bail unless the legal requirements are clearly satisfied. The prosecution has opposed the prayer on the ground of gravity of offence, possibility of influencing witnesses, and the absence of any fresh circumstance. These objections cannot be ignored. The mere fact that the applicant has remained in custody for some time is not enough to override the settled requirement of change in circumstances for a successive application.

10. A subsequent bail application is not barred, the Court must consider the grounds on which the earlier application was rejected and

there must be a change in the fact situation or in law to justify a different view. That principle squarely applies here. In the absence of such change, judicial discipline requires that the present application be rejected.

11. In view of the foregoing discussion, this Court is of the opinion that the present application is devoid of merit. It is a subsequent application without any real change in circumstances. The evidence having commenced and the employer having issued notice do not, either individually or cumulatively, constitute a material change warranting interference. The applicant is therefore not entitled to the relief sought. Hence, I proceed to pass following order.

ORDER

1. The Criminal Bail Application below Exh. 55 filed by accused No. 3 Satish Annasaheb Munde stands rejected.



Date : 08/04/2026

Ambajogai.

(Dr. Rachna R. Tehra)

Special Judge,

Ambajogai.

Certificate

I affirm that, the contents of this P.D.F file are word to word as per original Judgment / order.

Dictated on : 08/04/2026

Transcribed on : 08/04/2026

Checked and signed on : 08/04/2026

Sd/-

(Kailas D. Chavan)

Stenographer