

MHAU170011672025



Sessions Case No.318/2025
The State of Maharashtra Vs.
Balaji Hiralal Gadhe and others
Crime No. 98/2024, P.S. Paithan
Offence pun.u/s 307, 326, 504 R/w. 34 of IPC.

ORDER BELOW EXH.46

01] This is **second** application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by accused namely Anil Bhimrao Wavhal for releasing him on bail.

02] Investigating officer has opposed the application by filing his say at Exh.47.

03] Heard Ld. Counsel for the accused and Ld. A.P.P. for the State. Perused the record. On perusal of the record, it appears that predecessor of this Court has rejected bail application No.648/2025 filed by present accused vide order dated 16.04.2024. This being the second application the applicant is required to show that there is change in circumstance entitling him to bail. In this regard, it is the submission of Ld. Counsel for the applicant that since the prosecution has examined witnesses and from their cross-examination it has come on record that the offence against the applicant is not proved, there is change in circumstance entitling the applicant to bail and therefore, the applicant may be released on bail. I am not convinced with this submission simply for the reasons that the

prosecution has not yet examined all the witnesses and the prosecution evidence cannot be appreciated in piecemeal and record the finding about the guilt or otherwise.

04] At the cost of repetition, I would like to point out that the allegations against the accused is of commission of offence under section 307 of I.P.C. and the punishment provided for this offence is rigorous imprisonment for life, if hurt is caused. If the allegations will be proved against the accused, then he will have to undergo imprisonment for life. Therefore, it can be said that the offence is grave in nature and the punishment is severe. Consequently, the applicant cannot be released on bail. I therefore, proceed to pass the following order.

ORDER

Application Exh.46 is hereby rejected.

Date : 12.06.2025

(R.D.Gadwe)
Additional Sessions Judge, Paithan.