



IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SESSIONS TRIAL NO. 04/2024

(CNR NO.MHGO010000712024)

STATE, PSO, RAWANWADI -VS- OMPRAKSH & OTH.

ORDER BELOW EXH. 109.

(Passed on this 10th day of December, 2024)

Perused application and say filed.

2. Heard learned advocate for the applicant and APP at length.

3. This is second bail application. First application for bail moved by present applicant/accused No.1 Omprakash @ Om Khileshwar Chaudhari along with another co-accused was partly allowed. In so far as, applicant and one Ajju Thakur is concerned, their plea for bail was rejected.

4. In Para No.10 of the said order my learned predecessor has observed that present applicant is prime accused. One motorcycle, one stick and the fake gold ear ring has been recovered at the instance of applicant No.2. It is also

observed that the applicant has planned the entire incident and got it executed. Further, referring to the statements made by the witnesses, it is observed that applicant assaulted the deceased on his head and other parts of his body including back.

5. Referring to post-mortem report my learned predecessor has observed that even injury to liver has been mentioned in post-mortem report. Even it was observed by my learned predecessor that present applicant and Ajju were seen at ATM center in CCTV footage.

6. In short, it is observed that offence is very serious one and considering the role alleged against the present applicant, the earlier bail application of this applicant has been rejected.

7. This application is moved on the basis that, Ajju Thakur moved before Hon'ble Bombay High Court, Nagpur Bench, Nagpur. It is submitted that Cri. Application (BA) No. 31/2024 is allowed. It is also claimed that the present applicant is on the ground of parity with accused Ajju Thakur, hence he too moved bail application before Hon'ble High Court.

8. However, applicant has not provided any details of the said bail application, yet statement is made that the said application is withdrawn with liberty to move fresh bail application. Even, copy of the said order is not filed on record. As such, it cannot be said that present applicant has demonstrated changed circumstances. Hence, the following order.

ORDER

Application [Exh.109] is hereby rejected.

Gondia.
Dated: 10.12.2024.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.

Dictated and transcribed on dais computer on	:	10/12/2024
Checked by the Judge on	:	10/12/2024
Finally printed and signed by the Judge on	:	10/12/2024