

MHKO010030192024

Sess.Case No.149/2024**Order below Exh.6**

By way of this successive application accused no.2 Sahil Rahim Nadaf is seeking relief of regular bail under section 483 of The Bharatiya Nagarik Suraksha Sanhita (439 of Cr.P.C.). He and 2 others are chargesheeted for the offences punishable under sections 307, 120-B, 341, 504, 506 read with 34 of the Indian Penal Code and sections, 3 & 25 read with section 27 of the Arms Act.

02. According to the accused, chargesheet is filed and his case has been committed to the Court of Session. Charge is not yet framed. Supplementary chargesheet is yet to be filed against other accused. It will take considerable time to conclude the trial. Keeping him under trial will cause injustice to him. On these changed circumstances, the accused has sought relief of bail.

03. The application is opposed by the prosecution by filing say at Exh.9. According to the prosecution, accused Saddam and the applicant conjointly committed the offence. Fire arm found in possession of accused Saddam. Knife is discovered at the instance of the applicant/accused. No change has occurred because in the CCTV footage it is found that both the accused were attempting to kill the injured. Hence, the application is rejected.

04. Heard both the parties at length.

05. Earlier bail application is rejected on 3-8-2024, when the chargesheet was forwarded before the learned Magistrate on 27-6-2024. My learned predecessor has observed in para no. 8 of the previous order that presence of both the accused is underscored in CCTV footage. My predecessor also observed that there is no doubt regarding presence of both the accused at the spot of the incident. In respect of nature of injuries, my predecessor observed that intention to kill is material because fire arm is shown to be used and actual firing was done. All these observations against the applicant are available as it is today also. My learned predecessor considered the application after filing of the charge-sheet i.e.after completion of the investigation. So, the ground put-forth by the applicant in the instant application that investigation is now completed has no bearing. The only change, appears to be occurred in favour of the applicant, is committal of the case. That cannot be considered as a change in circumstance. No case is made out by the applicant to release him on bail by way of this successive bail application. In the result, following order is passed-

ORDER

The application stands rejected.

Date: 25/09/2024

(D.V.Kashyap)
Additional Sessions Judge,
Kolhapur.