



Order below application vide Exh.112 for grant of bail under
Section 439 of Cr.PC.
(Passed on this 11th day of July, 2025)

The Applicant/accused **No.1 Takkusing @ Naginising S/o. Ajitsing Kalyani** has filed this second application under Section 439 of Code of Criminal Procedure for regular bail in Crime No.589/2022 registered with the Vivekanand Chowk-Police Station, Latur for the offences punishable under Sections 395, 397, 120-B of the Indian Penal Code and U/Sec. 4 punishable U/Sec. 25 of the Arms Act.

2. In brief the prosecution case is that, on 11.10.2022, the informant and his family members were sleeping in their house. In the midnight at about 3:00 a.m., the informant heard noise of knocking on the door of his bed room. As such, he opened the bed-room and saw that, four unknown persons were there. One of them was holding a Pistol, rest of them were having knife and Katti. They were wearing black jackets and had covered their faces with Mask. Those persons threatened him to seat quite. Those persons asked the informant and his wife where is the Gold and Cash amount. The wife of the informant handed over the key of Almirah. Those persons took 2436.5 grams Gold and also took cash of Rs.2,25,00,000/-. The told value of the gold ornaments was Rs.73,09,500/-. After the incident, the informant lodged the

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report in Vivekanand Chowk-Police Station who is who in turn registered the crime as referred above.

3. The applicant/accused filed present application for bail on the ground that, co-accused are released on bail, therefore, he is also entitled for bail on the ground of parity.

4. The respondent/State filed reply and objected the bail application on the ground that, if the applicant/accused released on bail, he will commit similar type of offence.

5. Heard both sides. Perused the record. It is to note that, my Ld. Predecessor on 16.5.2023 rejected the First Bail Application filed by the applicant/accused below Exh.13. The application Exh.13 was filed after filing of the charge-sheet. In Sessions matters, an accused can file successive bail applications after rejection of first bail application, provided there is material change in circumstances since the previous application was rejected. In present matter, the applicant/accused has failed to point out any change of circumstance after rejection of his first bail application dated 16.5.2023 so as to empower him to file second bail application. As there is no change of circumstances, after rejection of first bail application, the second bail application filed by the applicant/accused is not maintainable and deserves to be rejected.

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6. The Ld. Counsel for the applicant/accused during the course of arguments pointed out that, the Hon'ble Bombay High Court has granted bail to co-accused in Bail Appln. No.1746 of 2024 dated 10th Feb. 2025 and Bail Appln. No.386 of 2025 dated

8th April, 2025. By relying upon the said orders, the applicant's Advocate prayed that, the applicant/accused may be released on bail.

7. I have gone through the order passed by the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad. It appears that, the Hon'ble High Court has granted bail to co-accused only because charge is not framed. It is to note that, today, this Court has framed charge against the applicant. The rest of the accused are absent, and therefore, on next day, the charge against rest of the accused will also be framed, and the matter will be posted for Trial, and if the accused co-operated the trial can be finished within 3 months.

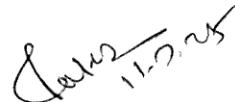
8. Be that as it may, as the application filed by the applicant/accused after rejection of his first bail application without change of circumstance, the same deserves to be rejected. Hence the order.

ORDER

The Application Exh.112 is hereby rejected.

Latur

Dated : 11th July, 2025.


(V.V. Patil)

**I/c Additional Sessions Judge-2,
Latur.**