

MHND010001572023 	<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE-2, NANDED</u> SPECIAL CASE NO. 8/2023 State -Vs- Laxman
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ORDER BELOW EXH. 22

The applicant has filed this successive bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime No. 216/2022 of Hadgaon Police Station Tq. Hadgaon Dist. Nanded for the offence punishable U/s. 395, 397, 452, 120B, 506 of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred as ‘BNS’) and Sections 3(1)(ii), 3(2), 3(4)of Maharashtra Control of Organised Crime Act, 1999.

2. Applicant by this application has contended that he is innocent and has not committed any offence. Whereas, due to grudge the informant has falsely implicated him in the crime. The allegations in respect of robbery are false and baseless. There is nothing on record to show involvement of the applicant in the crime. The prosecution is prolonging the matter. He is ready to abide terms and conditions imposed by the Court. So, it is prayed that, he be released on bail.

3. The APP and I.O. have filed their say on it. It is contended that, offence is serious in nature. The prosecution is ready for trial. This is a successive bail application filed after charge-sheet when earlier bail application is rejected on merit. It is also submitted that the say filed by the prosecution below Ex. 12 on earlier bail application be considered. As per this say the investigating officer has contended that offence is serious

in nature and if applicant is released on bail he is likely to pressurize the witnesses and will not co-operate. So, it is prayed that application be rejected.

4. Heard Ld. Adv. Imade for the applicant and Ld. APP Smt. Battula for State. They have argued as per their line of contentions in the application and say respectively.

5. Gone through the report. In the report it is alleged that, on 17.07.2022 some unknown persons committed house trespass and held family members of informant as hostages and committed dacoity of ornaments worth Rs. 31,00,000/- etc. Hence, the report.

6. The main ground on which applicant is claiming bail is that he is arrested only on suspicion and allegations in the report are against unknown persons. Also, he is ready to abide terms and conditions imposed on him. Per contra, according to prosecution there is *prima facie* sufficient material on record to show involvement of the applicant in the crime. Also, considering the gravity of the offence, applicant is not entitled for bail.

7. The record shows that, this is a successive bail application filed by applicant/accused No. 5 after rejection of his earlier bail application Exh. 11. Therefore, the applicant must show that, what is change in circumstance to file this application after rejection of earlier bail application. Hence, it is essential to see that whether applicant has shown any change in circumstance to file this successive bail application.

8. In the present application there is nothing to show that what is the change in circumstance to file this successive bail application. The

entire application is silent to that effect. The record shows that earlier bail application (Ex. 11) is decided on merit and is rejected. Therefore, now there is nothing on record to show any change in circumstance so as to inclined this Court to take a view contrary to the view taken in the order below (Exh. 11). Therefore, this successive bail application filed without change in circumstance itself is not tenable.

9. Even otherwise from perusal of charge-sheet it can be seen that though the report was lodged against unknown person, but during investigation name of applicant and co-accused were transpired. There is sufficient material to show involvement of applicant in the crime. The name of applicant is appearing in the confessional statement of co-accused Dashrath. This applicant has active participation in the crime. The offence is registered under MCOC Act and applicant has failed to prove that there are reasonable grounds for believing that he is not guilty of any offences and he is not likely to commit any offence. So, considering the gravity of the offence and punishment provided for the same the applicant is not entitled for bail. Also, as this successive bail application is filed without any change in circumstance is not tenable. So, I proceed to pass following order.

ORDER

Application is rejected.

Date :- 23.01.2026

sd/-
(R.M. Shinde)
Additional Sessions Judge-2
Nanded.