

MHND010023752020

**IN THE COURT OF ADDL. SESSIONS JUDGE-2, NANDED****Sessions Case No.162/2020**

Kailash Jagdish Biganiya, Age 30
Yrs. Occu: Labour,R/o. Ravi
nagar, Kautha, Nanded. Tq. Dist;
Nanded.

..Applicant/accused

Versus

The State of Maharashtra,
Through Police Station,
Vimantal, Nanded Dist. Nanded.

..Respondent/State

Coram: Dr. Shri. S.D. Tawshikar,**Heard on : 19-08-2025****Decided on : 19-08-2025****Appearance:**

Addl. P.P. Mr. Y. P. Talegaonkar, for respondent/State.

Ld. Adv. Mr. B.G.Kamble, for the applicant/accused.

ORDER BELOW EXH. 378

(Dictated and pronounced in open Court)

This is the third successive bail application, post filing of the chargesheet, under section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 ('BNSS' in short) in connection with **C.R. No.252 of 2020** registered with Vimantal Police Station, Nanded, Dist. Nanded for the offences punishable under sections 302, 201,

147, 148, 149, 120(B) of the Indian Penal Code ('IPC' in short) with section 3/25, 4/25 of the Arms Act, 1959.

2. The first application is filed by the applicant came to be rejected by learned predecessor of this court vide order dated 06-05-2025. Learned APP Mr. Talegaonkar takes strong exception to the maintainability of the application. He submits that learned predecessor of this court has recently through a detailed order has rejected the application on merit. Thereafter, present application is filed within two months. He submits that there is absolutely no change in circumstances, except change of Presiding Officer of this court. He prays to reject the application.

3. Without going into merit of the application, at the outset, this court inquired with learned advocate of the applicant about the change in circumstances *viz a viz* maintainability of application. Mr. V. G. Kamble learned advocate for the applicant submits that since last six months no witness is examined by the prosecution. There is no progress in the trial. The applicant is behind bars since last about five years and therefore on the ground of delay in the trial bail application is filed. He submits that on the ground of inordinate delay in trial, present application is maintainable.

4. From the submissions of both sides and from the record it can be gathered that the last application for bail filed by the present applicant came to be rejected by the learned predecessor of this court vide order dated 06-05-2025 below Exh. 370. It appears that within two months from rejection of said application, applicant has again preferred present application for bail. No doubt that the applicant can file successive bail applications, but there

must be change in circumstances of the case. Filing similar applications repeatedly would amount to misuse of process of court and wastage of time of the court.

5. Though the applicant is behind bars for considerable time, however considering seriousness of the allegations and the alleged role of the applicant as depicted in the last bail order, delay in trial cannot be sole reason to grant bail. Thus, submission of the applicant with respect to delay in trial is already considered and turn down by learned predecessor vide order dated 06-05-2025. Again on same ground the application cannot be entertained. Thus, apparently I find no change in circumstances to entertain present application. Change in presiding officer of the court certainly can not be a reason to file successive bail application.

6. Admittedly applicant is behind bars since 22-10-2020, therefore prosecution is directed to expedite the trial and to examine remaining witnesses at earliest.

7. In view of the above application deserves to be rejected. Hence, the order:

ORDER

1. Application (Exh. 378) is hereby rejected.

Date :- 19/ 08/2025

(Dr S.D. Tawshikar)
Addl. Sessions Judge-2,
Nanded.

Dictated on :19-08-2025
Transcribed on :19-08-2025 (AOH)
Corrected on : 20-08-2025 (AOH)
Signed on : 21 -08-2025

CERTIFICATE

I affirm that the contents of this PDF judgment /order are same word to word as per the original order.	
Name of the Stenographer	: Anand P. Deshmukh
Name of the Court	: District Judge-2 & Addl. Sessions Judge, Nanded.
Date of the Judgment/Order	: 19/ 08/2025
Judgment /Order signed by the P. O. on	: 21/ 08/2025
Judgment/Order uploaded on	: 21/ 08/2025

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