

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK

AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application. No.207 of 2022

CNR NO.MHNS010005912022



Ganesh Walu Pawar

Age : 26 years, Occu.: Agriculture

R/o : At-Harsul, Post-Dugaon,

Tal. Chandwad, Dist. Nashik.

... Applicant

V/S

State of Maharashtra

Through Deolali Camp Police

Station.(C.R. No.I-112/2021)

... Respondent.

Appearance :

Ld. Adv. Shri. Javed Shafi Shaikh for Applicant.

Ld. A.P.P. Sachin Gorwadkar for Respondent.

Shri. L. Y. Pathan, PSI (I.O.) present.

ORDER BELOW EXH. NO.1

(Delivered on 23rd February, 2022)

1. Read the application and say filed by the respondent vide Exh.4. Heard Ld. Advocate for the applicant, Ld. A.P.P. for the State and the I.O. present in the Court.

2. Crime stood registered bearing C.R. No.112 of 2021 with the respondent Deolali Camp Police Station for an offence punishable under Sections 417, 420, 465, 467, 468, 170, 171 of the Indian Penal Code and 6(1)(c), 6(2)C, 3, 6 (1)A and 6 (3)A of the Official Secrets Act.

3. It is alleged in the FIR by the complainant who is the Subhedar in the Army that, on the day of incident, in the night time, the applicant wearing the uniform of the Military Officer personified him to be Military Officer and entered the prohibited area and when asked, he gave evasive answers, therefore, complaint came to be lodged against him.

4. It is the case of the applicant that, this is a second bail application. Co-accused is granted bail by this Court, therefore there is change in circumstances. Investigation is completed. Therefore, prayed to allow the application on any terms and conditions.

5. Respondent filed their objection stating that the offence is serious in nature, investigation is in progress, applicant cheated the young boys by preparing false documents. Application is not maintainable, therefore prayed to reject the application.

6. Heard Ld. Adv. for the applicant and Ld. A.P.P. for the State.

7. Upon hearing and going through the material placed on record, what can be gathered is that, previous bail application was rejected by this Court on 20.01.2022 upon merits. As far as change in circumstances is concerned, it is argued that the co-accused was granted bail. This Court finds that, the case of the co-accused stood on different footing. The co-accused has come with the case that, he was a victim and therefore Court granted bail to him. However, it is not the case of the applicant. Applicant is a prime accused in this Crime. Granting of bail to co-accused can not be termed as change in

circumstances. Therefore this Court finds that, the second bail application is not maintainable. As far as the merits is concerned, this Court has dealt with it in the earlier bail application. Therefore, it is not necessary to repeat again. Investigation is in progress. Therefore, this Court hold's that the application fails. Hence, the order.

ORDER

Criminal Bail Application No.207/2022 stands rejected and disposed off accordingly.

Place : Nashik.
Date : 23/02/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.