

**Order below Exh.1 in  
Cri. Bail Application No. 269/2022  
( Ankalesh Arun Gangurde Vs. State )**

Perused application and say. Heard both the learned counsels.

2. By this second (in fact third) bail application under section 439 of Cr.P.C., the accused of Sessions Case No.129/2020 emanating from Crime No. 72/2020 registered on 11.06.2020 with Deola Police Station under sections 302, 307, 324, 323, 504 and 506 of Indian Penal Code, seeks regular bail

3. It is objected over tenability.

4. The learned counsel for the applicant has submitted that, there are changes in circumstance after rejection of first Bail application no. 1184/2020 dtd. 24.09.2020 by brother Judge. Hence, applicant deserves bail.

5. The learned APP has submitted that the applicant has not disclosed the factual scenario about the development between the period with ulterior motive. In fact, this is third bail application, sans changes in circumstances.

6. On going through the record, it is conspicuous that the pending investigation, on 24.09.2020 brother Judge after taking into account the material against the accused in the form of statement of witnesses by peeping into the case diary and arrived at

conclusion that the applicant had indiscriminately assailed the victim by axe and eliminated him on spot. The details of injuries revealed from the report of *post-mortem* was also commented upon and consequences were followed in the form of rejection of the first bail.

7. The thing did not rests. Thereafter, the final report under section 173 of Cr.P.C. came to be furnished, committed to this Court which is registered as Sessions Case No.129/2020. Thereafter, second bail application whilst the pandemic of Covid-19 was in force was preferred. The said application came to be rejected on merits on 24.06.2021 by this Court and in due course, the trial has been commenced from 06.01.2022.

8. In view of above, I find there is no material change in circumstance, except change in Advocate sufficient to enlarge the applicant accused of offence for which capital punishment is prescribed.

9. In the result, I pass following order.

**ORDER**

1 Application stands rejected.

March 21, 2022.

( **Vikas S. Kulkarni** )  
Additional Sessions Judge,  
Nashik.

