

Order below Exh.1 in Cri.Bail Appln. No. 371 of 2022 Parola
Police Station, Taluka Parola
(Sudam Ramesh Patil Vs. The State of Maharashtra)
(CNR No.MHJG010007882022)

This is an application u/s. 439 of Cr.P.C. filed by the accused Sudam Ramesh Patil, Age- 23 years, Occu- Labour work R/o. Vaghari, Tal. Parola Dist. Jalgaon, for releasing him on bail in C.R.No.205/2022 of Parola Police Station, Tal. Parola, Dist. Jalgaon for the offences punishable under Secs.302, 307, 326, 324, 323, 143, 147, 148, 149, 504, 506 r/w. 149 of the Indian Penal Code and Sec.4 of 25 of the Arms Act.

2. Accused has contended that he has not participated in the incident and he has no concerned with it. He is falsely implicated in this case. Cross case is filed against the informant and other family members. He has not assaulted deceased Nana Bhikari. The charge-sheet is already filed. He lastly prayed for allowing his application.

3. The Investigating Officer has resisted the application by filing his say at Exh.5, wherein it is contended that the offences are of serious nature. Deceased died because of head injury and injured have sustained grievous injuries. It is also contended that the accused may tamper with the evidence. He lastly prayed for rejecting the application.

4. Heard Ld. Adv. Shri.K. K. Bhusari for the accused and Ld. A.P.P. Shri. S.R.Patil for the State.

5. At the outset, I would like to state that the offence of murder is serious offence having punishment of life imprisonment or death. The another aspect of ground of parity which is put-forth by the Ld. Advocate for accused is that the role of each accused has to be

considered while considering the aspect of parity. Here in this case in hand, the F.I.R. is lodged by Krushna Bhikari Patil who is brother of Nana Bhikari Patil. The informant is an eye witness and also injured. In his F.I.R. he is specifically stated that this accused was having sickle (कोयता) in his hand and he inflicted blow of it on the neck, back side of head of Nana Bhikari. No doubt, postmortem notes says the cause of death is head injury but the informant has specifically stated that this accused has inflicted blow of sickle on the neck of the back side of the head of deceased.

6. As stated earlier, the offence of murder is serious offence. There is specific allegation against this accused. Other co-accused are released on bail by considering role played by them and the weapons used by them. Here specific allegations against this accused regarding assaulting deceased Nana Bhikari by a sickle (कोयता). Considering the said fact, the ground of parity also does not come to the help of accused. Foregoing discussions leads to conclude that the accused is not entitled to bail. Accordingly, I pass the following order.

: ORDER :

- 1) The application stands rejected.

Date: 16.11.2022

(S.B.Gaidhani)
Additional Sessions Judge, Amalner

I affirm that the contents of this P.D.F file Judgment / order are same, word to word, as per the original Judgment.

Name of the Stenographer	: G.R.Thombare
Name of the Court	: District Judge-1 and Addl. Sessions Court, Amalner (S. B. Gaidhani)
Date of Judgment /Order	: 16.11.2022
Judgment signed by the presiding officer on	: 16.11.2022
Judgment/Order uploaded on	: 16.11.2022