

MHBU040012622022



Order below Exh.1

(Passed on 18/10/2022)

1. Apprehending the arrest in Crime No.478/2022 registered with Police station Shegaon City for the offence punishable under Sections 304-B, 452, 427, 506(2), 143, 147, 149 of I.P.C., the present application for grant of pre arrest bail is being filed by applicants/accused. Heard, learned Adv Mr. Munna Khan for the applicants/accused and learned APP Mr. U.S. Apte for prosecution. Also heard learned advocate Mr. S.T. Joshi, for original informant. Perused the say of I.O. vide Exh.10. Also perused the protest petition filed by original informant vide list Exh.9. Gone through the case diary produced for the perusal.

2. It is submitted on behalf of the applicants/accused that the contents in the FIR is totally imaginary and does not make out any case against the applicants/accused under the Indian Penal Code. The applicants/accused are the owners of the disputed land by virtue of registered sale deed dated 24.5.2022. The applicants/accused were not present on the spot nor the deceased was present on the spot

therefore, there is no connection with the applicants/accused with the death of the deceased. The FIR is malafide and politically motivated. There is delay in lodging FIR which is not explained. The applicants/accused are falsely implicated in the present crime. The applicants/accused are the law abiding persons having good reputation in the society. They are ready to abide by all the terms of condition bail and co-operate the police machinery during investigation. Therefore, considering the facts, the applicants/accused be released on pre arrest bail.

The learned advocate for the applicants/accused relied upon the case laws-

- [1] 2017 ALL MR (Cri) 4480, Bhagwan Narayan Deshmukh V/s. State of Maharashtra and others.
- [2] 2016 ALL MR (Cri) 1394, Shrikant Purshottam Paranjape & others V/s. The State of Maharashtra & another.

Perused the case laws.

3. It is submitted on behalf of the prosecution vide Exh.10 that unknown 40-50 persons came on the spot and carried wooden beams, axe, iron rod(Sabbal) and started digging in the open land. When the informant stopped them they showed the documents showing that they are hired for doing work by applicants/accused Nos.1 to 3. The informant called her husband and told him telephonically. At about 8.00 p.m. the deceased who is the husband of informant returned home and he sustained shock by seeing the pit holes dug in open land.

Subsequently he died. The investigation is at initial stage. The articles such wooden beams, axe, iron rod(Sabbal) are to be seized. There is possibility that if the applicants/accused are released on bail they would pressurize, threaten, induce and tamper the prosecution witnesses. Hence considering this facts, prayed for rejection of application.

4. The original informant also filed say below list Exh.9 in the line of prosecution and resisted the release of applicants/accused on bail.

5. Perusal of the say of prosecution and after going through the case diary, I find that there is no connection of the death of the deceased with the applicants/accused. The presence of the applicants/accused prima facie was not on the spot. The sale deed and other property can be recovered by the I.O. without seeking the physical custody of the applicants/accused. I found that the custodial interrogation of the applicants/accused is not required to the police. The learned Adv for the applicants/accused submitted that the applicants/accused are ready to co-operate the police machinery during investigation. Considering the above facts and circumstances of the case, I hold that the applicants/accused having no criminal antecedent against them, requires to be released on pre arrest bail. Hence, I pass the following order :-

ORDER

- 1] Application Exh.1 is allowed.
- 2] In the event of arrest of the applicants/accused namely [1] Shailesh Sudhakar Kharote [2] Deepak Ramchandra Masne [3] Sachin Suhas Kokate and [4] Sachin Vijay Pospotwar, in the Crime No.478/2022 registered with Police Station Shegaon City on the report of Savita Sanjay Murarka, for the offences punishable under sections 304-B, 452, 427, 506(2), 143, 147, 149 of the I.P.C., against the applicant, he be released on bail on his executing PR bond of Rs.50,000/- (Rs. Fifty Thousand only) each with one or two solvent sureties in the like amount each on conditions that:-
 - [i] The applicants/accused shall remain present on every Monday and Friday between 11.00 a.m. to 2.00 p.m. at the concerned police station and shall co-operate the I.O. in investigation and thereafter, they shall make themselves available for interrogation as and when asked by the I.O. until further orders.
 - [ii] The applicants/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade the witness from disclosing such facts to the Court or to any Police Officer.
- 3] Inform concerned police station accordingly.

Date : 18.10.2022

(A.S.Wairagade)
Addl. Sessions Judge,
Khamgaon, Dist. Buldana.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.

Name of Court : A.S.J. Khamgaon.