

Order below Exh.31 in Sessions Case No. 83 of 2022
Parola Police Station, Taluka Parola
(The State of Maharashtra Vs. Roshan Pundalik Patil)
(CNR No.MHJG010007592022)

This is an application u/s. 439 of Cr.P.C. filed by the accused Roshan Pundalik Patil, Age- 25 years, Occu-Agriculturist, R/o. Waghari, 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 of the Indian Penal Code and Secs. 4/25 of the Arms Act.

2. Accused has contended that he is falsely implicated in this case. The informant and other family members had assaulted him and other family members. The investigation is over and charge-sheet is filed. No purpose will be served by further detention of the accused behind bars. He lastly prayed for allowing his application.

3. The Ld. A.P.P. resisted the application by filing his say at Exh.34, wherein it is contended that there is prima facie evidence against the accused and the sickle (कोयता) and iron stick used by the accused is recovered from the spot. He lastly prayed for rejecting the application.

4. Heard Ld. Adv. Shri. B. M. Borase for the accused and Ld. A.P.P. Shri. K.R.Bagul for State.

5. At the outset, I would like to state that filing of charge-sheet will not make the accused entitled to claim bail as a matter

of right. Here in this case in hand, because of the incident, one Nana Bhikari Patil has died. There is specific allegation against the present accused in the F.I.R. that he assaulted Mahendra Nana Patil by sickle (कोयता) on his head. Nature of weapon and the part on which blow was inflicted, at this juncture, makes out the intention of the accused. Not only that, this accused alongwith one co-accused namely Sudam have also assaulted the other witnesses by sickle (कोयता) . After going through the entire charge-sheet, it is seen that there is prima facie material against this accused. The offences are of serious nature. Merely because the injured is discharged, will not make the accused entitled to bail when he is otherwise not entitled for same. Hence, I conclude that the accused is not entitled to bail. Accordingly, I pass the following order.

: ORDER :

The application Exh.31 is rejected.

Date: 01.12.2022

(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	:	01.12.2022
Judgment signed by the presiding officer on	:	01.12.2022
Judgment/Order uploaded on	:	01.12.2022