

Session Case No. 705/2019
(CNR-MHPU01-0120872019)

State of Maharashtra

Vs.

Santosh Harijan & Ors.

ORDER BELOW EXH. 77

1) By this application, the applicant – **Chetan Navnath Waghmare** is seeking regular bail u/s. 439 of the Cr.PC. for the offence punishable u/s. 302, 504, 143, 147, 148, 149 of I.P.C., Sec. 37(1) r/w. 135 of Maharashtra Police Act registered at Chikhali police station vide crime no. 432/2019.

2) Perused application, say filed by Investigating Officer & police papers.

3) The prosecution case is nutshell is that, the informant – PSI Mahendra Aher lodged FIR alleging that, he received information on 14/06/2019 that, one person is lying in injured condition. It revealed to him that, the name of injured was Raju Rathod. During medical treatment deceased was succumbed to the injuries. During the course of investigation it was revealed that the accused persons and injured were drunk. The accused have assaulted the injured by fist and kick blows. With this alleged set of facts the FIR came to be lodged.

4) Ld. Adv. for the applicant submits that, the applicant is falsely implicated in the aforesaid crime. He is only 27 years of age. He came to be arrested on

20/06/2019 and since then languishing in jail. The entire case is based on circumstantial evidence. The investigation is completed and charge-sheet has been filed. Hence, further custodial detention of the accused is totally unwarranted. He is permanent resident of Pune. All the other co-accused has been released on bail. The role of the applicant is similar to that of other co-accused. Hence, he be released on bail on the ground of parity.

5) Per contra, Ld. APP submits that, offence is serious. The applicant played vital role in the commission of offence. In the event of release of applicant on bail, possibility of threatening the informant cannot be ruled out. Hence, bail application be rejected.

6) Upon perusal of the charge-sheet, it transpired that, the applicant came to be arrested on 20/06/2019 and since then he is languishing in jail. The entire prosecution case rests on circumstantial evidence. All the other co-accused has been released on bail. The role of the applicant is similar to that of released co-accused. Further incarceration of the applicant would amount to pre-trial punishment. It is not the contention of investigation agency that applicant is having a criminal background. In such circumstances, keeping applicant behind the bar for further period, will not add anything more to the prosecution. So far as apprehension on the part of I.O. that applicant will tamper the prosecution evidence and may abscond if released on bail, it can be taken care of by imposing certain conditions. With this, following order is passed.

ORDER

[1] Application (Exh. 77) is allowed.

[2] Applicant – **Chetan Navnath Waghmare** be released on bail for the offence punishable u/s. 302, 504, 143, 147, 148, 149 of I.P.C., Sec. 37(1) r/w. 135 of Maharashtra Police Act registered at Chikhali police station vide crime no. 432/2019, on executing P.R. Bond of Rs. 25,000/- alongwith one or two solvent surety of the like amount on the following conditions :-

(a) the applicant shall not tamper with the prosecution evidence in any manner whatsoever.

(b) the applicant shall attend the court on each and every date till the conclusion of trial.

[3] The applicant shall furnish cogent documentary evidence in respect of his residence before this court after his release on bail alongwith swearing an affidavit in that regard.

[4] Bail before remand/concerned Court.

Pune
Date : 28/07/2021

(G.P. Agrawal)
Additional Sessions Judge, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F file Order is same word for word as per original Order.

Name of Steno	✚ R.L. Bhunyar (Stenographer Grade-I)
Court Name	✚ G.P. Agrawal Additional Sessions Judge, Pune.
Date of Order	✚ 28/07/2021
Order signed by the Presiding Officer	✚ 28/07/2021
Order Uploaded on	✚ 28/07/2021