

ORDER BELOW EXH. 207 IN BAIL APPLN. NO.24/2013

1] The applicant **Ranbul @ Ranshul @ Ranshya Chandrakant Patil** has filed present application to enlarge him on bail under Sec. 439 of Cr.P.C.

2] The applicant's case is that one Sessions Case no. 24/2013 is tried against him , wherein he is accused No. 5. The accused is facing trial for the commission of the offence punishable under Section 302,143, 147,148,149, 120-B, 201 of IPC. The applicant's contention is that daughter of applicant is going to perform marriage on 13/5/2017 and therefore, presence of the applicants is very much necessary for the marriage ceremony, as per their caste customs, rites and rituals are to be performed. The applicant is father of the Bride and therefore, he urged for interim bail since 04/05/2017 to 18/05/2017. The applicant has appended wedding card to that effect.

3] Learned DGP and IO have resisted the application by filing their say below Exh. 207. It is their contention that now the matter become part-heard. The prosecution has examined witnesses and because of enmity if at all the applicants/accused enlarged on bail, then there are several chances that there would be a law and order problem. There is no provision of temporary bail. According to IO the applicant is involved in the serious crime. The complainant and accused belong to same vicinity. They are keeping enmity and grudge against each other. There is every possibility that the applicant and their associates may threat to the prosecution witnesses, which will

give certain impact on the adjudication of the matter.

4] Learned advocate Shri. Patki appearing on behalf of the applicant has canvassed his argument that the presence of the applicant in that marriage ceremony. The bride is daughter of applicant and applicant is willing to get temporary bail. Even the Court may curtail the period of bail but the presence of the applicant is very much necessary. Learned advocate has urged to exercise discretion in favour of the applicant.

5] Learned DGP Smt. Phad has strongly opposed to the bail application by making submission that there is strong history of dispute in between the complainant and accused party. There is every chance to repeat the same incident again. Even the trial is now started therefore, village atmosphere is very hot. The applicant may threaten to the witnesses in order to tamper the prosecution evidence, which will give impact on the adjudication of the matter. Therefore, it was urged to reject the application.

6] At the outset previously this applicant has filed bail application for the same purpose as he has to attend the marriage of his daughter. But my learned predecessor has rejected the said bail application by observing that the applicant accused may threaten to the prosecution witnesses. According to defence counsel now the material witnesses have been examined hence, there is no chance for the applicant to tamper or threaten the prosecution witnesses. Eventually I find that complainant and eye witnesses have been examined by the prosecution. True it is that the applicant is willing to attend the marriage of his daughter, but history tells different story. The

applicant is facing trial of murder and admittedly he is having old enmity with the complainant's party. It is also noticeable that the complainant and accused belong to same vicinity. If at all the applicant and accused assembled in the marriage ceremony or in the village there is every possibility of repetition of another crime. The possibility also cannot be ruled out that there would be a law and order problem. It is also possible that the applicant may threaten to the remaining witnesses who are residing in the same village. In these circumstance, even sympathetically or emotionally one may say that the applicant should avail opportunity to attend the marriage of daughter but considering the status of the trial and nature of allegations made against the applicant, I find this is the safest way to avoid meeting of the rival parties and I hold there is no merit in the application. Accordingly, I pass the following order-

: ORDER :

Application filed by the applicant/accused **Ranbul @ Ranshul @ Ranshya Chandrakant Patil** for bail stands rejected.

(N. M. Waghmare)

Date :-15/03/2017

Additional Sessions Judge, Kalyan.