

MHAH010028112021



ORDER BELOW EXH.NO.4 IN SESSION CASE NO.90/2021.
(Avinash Nilesh Kardile & Other V/s State of Maharashtra)

1. This is an application for bail under Section 439 of the Code of Criminal Procedure.
2. Brief prosecution story is that accused formed unlawful assembly went at informant's field. Then they picked quarrel on count of political rivalry. Made assault on informant with sticks and swords resulting in grievous hurts in attempt of murder. Accused no. 5 present applicant allegedly pointed revolver on head of witness Nirmala daughter-in-law of informant.
3. According to applicant because of political rivalry false crime has been registered showing his involvement. According to him already the alleged fire arm is recovered from different accused which also shows his non-involvement in crime. According to him he is of tender age by detaining him in jail his future will ruin. He showed readiness to abide conditions put by court and prayed for his release.
4. Prosecution filed say at Exh.6 and opposed bail application. It reiterated contents in prosecution's story. With contended that free use of deadly weapons like sticks, swords, revolver is made which shows the rowdy nature of all the accused including applicant. It contended that previous bail applications of this applicant are rejected. There is no change in circumstance warranting present prayer. According to

prosecution, the activities of accused did not stop even in jail. He was found possessing mobile in jail itself of which another crime has been registered. By quoting all these aspects, seriousness of offence prosecution prayed for rejection of application.

5. Heard both sides. Gone through the prosecution's documents which are parts of charge-sheet. From material available it is apparent that the allegations are of serious nature clubbed with medical and circumstantial evidence. Pointing of fire arm on the head of witness Nirmala cannot be branded for pleasure. It is a serious act. This pointing out of revolver if clubbed with the injuries caused to the main victim by different weapons by all probabilities speaks about intention to commit murder.

6. If all above aspects are seen together, I find that the High Power Committed directions also do not include such type of offences having prima facie evidence to be considered. The Hon'ble Committed has left discretion with the Court dealing bail applications to decide and appreciate the facts. Above fact do not entitle the applicant for grant of bail. In result, I proceed to pass following order :-

-: ORDER :-

- i) The application stands rejected.
- ii) Order be communicated to the accused by official e-mail through jail authority.
- iii) The application is disposed of.

(M. R. Natu)
Additional Sessions Judge,
Ahmednagar.

Date : 04/06/2021.