

MHAH010028112021



**ORDER BELOW EXH.NO.7 IN S.C. NO.90/2021**  
**(State V/s Amol Kardile & Ors.)**

1. This is application for bail under Section 439 of the Code of Criminal Procedure ( Crime No.I-50/2021) by accused Vivek @ Pintya Arun Kardile for offence punishable u/s. 143, 147, 148, 149, 323, 326, 324, 307, 504, 506 of Indian Penal Code and u/s. 3/25, 4/25 of Arms Act.
2. According to applicant / accused since 24.01.2021 he is behind bar. The investigation of case has been complete. Charge-sheet is pending in this Court. According to him, from entire charge-sheet role attributed to him is only of his presence alongwith other accused. Trial did not commence and so, his detention would be pre-trial conviction. He prayed for his enlargement on bail. He showed readiness to submit surety to the satisfaction of the Court. He assured that on each date of hearing he will appear in Trial Court and will assist progress in trial. He prayed for regular bail accordingly.
3. Prosecution filed say opposing prayer. According to it, accused took active participation in commission of crime. Seizure of weapons took place at his instance. According to it, there is no change in circumstance and so, looking into seriousness of crime bail needs to be rejected.
4. Heard both sides. Gone through documents. From the allegations in FIR and role attributed to present applicant it can be seen

that the applicant was holding sword and caused injury on right leg by the said weapon. This aspect shows that there is specific role attributed to applicant. In this backdrop, the seizure of weapons at his instance adds corroboration. So, as such it can not be said that there is no evidence against applicant at all.

5. However, this being first application after registration of crime. In near past the charge has been framed in present case. Looking into the continuing situation of Covid Pandemic it can not be readily inferred that trial will finish within short period. The gravity of allegations against present applicant is seen, the injury caused was on leg. It is not vital part of body. It can not bring safety of life. It is true that the charge under Section 307 of IPC where actual injury is not necessary, but material is intention to commit murder. These aspects needs to be decided on merit. Considering above factual aspects in respect of prima facie evidence the time required for trial it is desirable that to enlarge accused on bail on certain conditions. In result, I proceed to pass following order :

**:- ORDER :-**

- i) Application is allowed. Applicant shall be released on executing PB. & S.B. of Rs.25,000/-. No relaxation shall be claimed as well as it will not be granted.
- ii) Accused is directed not to enter in the village Kurund, Tal. Parner till termination of trial. On breach of this condition the liberty granted would vacate.
- iii) The order be communicated to accused through Jail authority by E-mail.
- iv) The application is disposed of.

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

Date : 30/07/2021.