

MHAH010028112021



ORDER BELOW EXH.NO.44 IN S.C. NO.90/2021
(State V/s Anil Dashrath Kardile & Ors.)

1. According to applicant / accused Amol Bhausahab Kardile the allegations in chargesheet are false. Those are cooked up out of political rivalry. The allegations as to threat of killing assault by sword, wooden log, pointing of fire arm all are false. According to him he was arrested on 27-01-2021. Since then he is behind bar even after filing of chargesheet.
2. According to him the allegations against him are of life nature as against another accused Avinash Nilesh Kardile who has been granted bail by Hon'ble Bombay High Court by order in Bail application No.910/2021 with Criminal Application No.2835/2021. Considering above facts, muchless release of co-accused gives him fresh cause of action for filing application.
3. According to him the injuries caused are not life threatening as depicted in injury certificate and as such there are no grounds to infer offence punishable under Section 307. He showed readiness to submit bail bonds to the satisfaction of Court and to abide conditions put on him.
4. Prosecution filed say at Exh.58. Further original complainant relied on previous protest petition placed at Exh.31. By reiterating the facts in FIR, prosecution as well as victim contended that brutal attack was made by the gang of accused persons in which present

applicant was participant. They contended that free use of weapons including fire arm was made. According to victim present applicant is goon. In past as well he opened fire by coming in front of informant's house and if he is released, there is direct threat to life of victim and his family members. The original informant also gave list of crimes registered in P.S.Parner, Shirur and sessions cases pending in Courts of Beed and Ahmednagar. Both strongly opposed prayer clause.

4. Heard both sides. Gone through documents. From the reading of FIR it can be seen that role attributed to present applicant is material. This Amol came on motorcycle, he was holding sword, he gave its blow on head and left hand of informant. It shows that he is the initiator of assault at the instigation of other accused referred in FIR. This shows his less regard to law and human safety.

5. The order of Hon'ble High Court is relating to Akash s/o. Nilesh Kardile which was under Section 439 of Cr.P.C. The role attributed to Akash in FIR is different. He was holding stick. The informant do not speak specifically that Akash made assault. His name is added in omnibus allegations. So the argument of applicant's side in respect of same allegations, parity principle do not stand on merit.

6. Looking into the aggressive nature as apparent from FIR, I am of opinion that his release is not safe for decision of case on merit. At the most here it can be directed that prosecution side shall expedite the matter at the earliest for early decision of the case on merit. In view of above discussion, application stands rejected.

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

Date : 07/01/2022.