

ORDER BELOW EXH.7 IN SESSIONS CASE**NO.98/2023****(Rupesh Bansod Vs. State [PS Frezarpura])**

Applicant /accused Rupesh Bhimrao Bansod has filed this application under section 439 of Cr.P.C. for regular bail in Cr.No. 789/2022 registered with Frezarpura Police Station for the offence punishable under Sections 302, 307, 294, 143, 147, 148, 149, 354, 109, 504 of IPC.

2. The applicant preferred bail application on the ground that police have completed the investigation and filed the charge-sheet which is registered as Sessions Case No.98/2023 pending before this court. The applicant is innocent, he has been falsely implicated out of personal grudge. Applicant has no criminal antecedent. He is ready to abide all the conditions imposed on him, if release in the event of bail.

3. Perused the say of injured Ashwini @ Sonu is at Exh.11. If the applicant on bail then there will danger to the life of complainant and her family members. Hence application be rejected.

4. Perused say of Ld. prosecutor is at Exh.14 contending that, death of Rohit @ Nado is caused due to the multiple stab injuries. Complainant, witnesses and applicant are residing in same Mohalla. Applicant is actively participated in the commission of offence and his role is specifically attributed in the oral report. If applicant came out of jail on bail, then again, there is possibility to commit cognizable offence. Applicant is having criminal antecedent. Hence application be rejected.

5. Ld. advocate Shri. Zuber Ahmed for applicant argued that, applicant is arrested on 10.12.2022 and trial will take long time. Applicant is ready to abide the conditions imposed on him. He has place on record ;

1] *Aman Anand Andewar Vs State of Maharashtra, DLD [Cri] 2023 - 2327*. The role of applicant that informant only heard saying "let us ran away, deceased has died" and he was not present on the spot.

2] *Dinesh Shrivastav Vs State of Uttar Pradesh, DLD [Cri] 2023 - 2479*. Allegations against accused that he along-with co-accused conspired to kill deceased, therefore trial court has granted bail to the applicant.

6. But in the instant case, as per allegations in the oral report applicant/accused was having knife in his hand and after stabbing to Rohit @ Nado the son of complainant and as the daughter of complainant intervened that time applicant also given a blows of knife on her hand, stomach and back and thereby she became injured. As such role of the applicant in the commission of an offence is very specific in this case, therefore the ratio laid down in above citations is not applicable in the case at hand.

7. Ld. prosecutor Shri. Deshmukh for the State argued that, there is strong prima facie evidence against accused. If applicant is release on bail, he will bring adverse pressure on complainant and eye witnesses and no one is deposed against him due to his fear. Accused is having criminal antecedent. Hence application be rejected.

8. As per the allegations in the FIR filed by Mangala Vijay Bhongade resident of Benoda lodged report to Frezapura police station on 9.12.2022 at about 9 pm she and her daughter Ashwini were inside the room, they heard the shouts from the courtyard of their house and saw that applicant Pravin Bansod and other co-accused were assaulting to Rohit @ Nado by means of knife, as Ashwini intervene to save her brother, she was also assaulted by the accused persons. Due to the multiple injuries, Rohit died in the private hospital on 13.12.2022.

9. Complainant is quite specific on the point of involvement of applicant/accused. Chargesheet consist of statement of Ashwini who is sister of deceased Rohit who had intervene the quarrel, that time, applicant also given her blow of knife and she had sustained injury on her body. It also makes out particular and specific role of applicant/accused in commission of an offence.

10. While considering application for bail, court has to keep in mind the nature of accusation, nature of evidence in support thereof involvement of accused, the severity of the punishment which conviction will entail, the character and the circumstances which are peculiar to the accused, reasonable apprehension of the witnesses being tampered with.

11. Perused of charge-sheet reveal that there is strong prima facie case against the applicant/accused. It is observed by the Hon'ble Apex Court in catena of ruling that for the purpose of granting bail legislature has used a words "reasonable ground for believing instead of evidence", this cardinal principle is required to

be borne in mind, while dealing with grant of bail application.

12. However, it needs to be observed that detail scrutiny of the evidence collected by the prosecution so as to record any conclusion on the material circumstances relating to the offence is not expected at the stage of bail application. Considering such serious nature of offence and specific role of the applicant, he is not entitle to be release on bail.

13. Complainant and applicant and injured witness are residing in same area, possibility of danger to the injured at the hands of applicant, if release on bail, appears to be reasonable apprehension. Under such circumstances, considering the nature of offence, accused cannot be release on bail and thereby application is to be rejected. Hence pass following order.

ORDER

Application Exh.07 in Sessions Case No.98/2023 is hereby rejected.

Date :- 14/08/2024.

(Pushpa N. Rao)
Additional Sessions Judge,
Amravati