

MHAM200007742025



ORDER BELOW EXH. 41
In Session Case No. 159 OF 2025 (Old 28/2022)

State of Maharashtra

.Vs.

Rajesh @ Khanna Devidasrao Khandare

1. The applicant namely Rajesh @ Khanna Devidasrao Khandare filed this bail application under section 483 of Criminal Procedure Code for regular bail in Crime No. 225/2021 registered at Rahimapur Police Station for the offences punishable under Section 302 of Indian Penal Code.
2. Prosecution's case in short is that, the younger son of informant namely Pankaj Jagatrao Khandare peed adjacent to the dung near the house of applicant on 05.12.2021 at about 2pm. On this count, there is a hot exchange of working took place between Pankaj and applicant. It is alleged in the FIR that since then applicant was enraged upon Pankaj. On 07.12.2021 at about 10 pm Pankaj returned from his job and went towards river by taking torch in hand. After some time the informant's cousin nephew informed her that applicant is beating to her son. She rushed to the spot and found that Pankaj is fallen down and there is wound on his head and other parts of the body and bleeding was oozing. The applicant was stood there taking the iron angle in his hand and was saying that he killed Pankaj.
3. Applicant submitted that, applicant was arrested on 08.12.2021 and after completion of investigation the P.S.Rahimapur filed charge-sheet. The applicant has not committed any offence as

alleged. The informant has entangled the applicant only the reason that applicant restricted the deceased from peeing in front of his house on dated 05.12.2021. There is no iota of evidence against the applicant. The contradiction of PW No.1 itself shows that there is a lot of doubt in the story created by prosecution. The applicant is innocent and falsely implicated. The applicant is ready to abide all terms and conditions which may be imposed upon while considering the present application. He will not abscond and will not flee from justice. He will not tamper the evidence of prosecution.

4. The Investigation officer filed his say below Exh 43 and resisted the application on the ground that, the informant, accused/applicant and witnesses are resided in same village. The action of the applicant created fear and danger to the villagers. If applicant/accused is granted bail, the accused/applicant may pressure the prosecution witnesses and endanger to the life of informant. If granted bail, there is no possibility the accused will appear before the Court.

5. After going through the advanced argument of both side and on perusal of police papers shows that, the investigation of said crime is completed and charge-sheet has been filed against the accused vide S.T. No.159/2025. As per the say of investigation officer it shows that, the applicant, victim and witnesses are residing in same village.

6. In view of the above mentioned facts, case paper and say of investigation officer, it shows that the offence is of a serious in nature. The record shows that charge sheet is filed and prosecution has examined one witness. Now the case is kept for evidence of other witnesses. Further, it also shows that, the accused and victim live in

same village. The record shows that, the applicant/accused previously also filed bail application below Exh.20 which came to be rejected. The applicant is filed second bail application. There is no any change in circumstances. Applicant has filed second bail application before the same Court without change in circumstances. Applicant ought to have challenge the above said orders passed by this Court before the higher Court. However, instead of challenging the said order, applicant again preferred the second bail application before the same Court. Review of order is not maintainable under the criminal law.

7. The charge-sheet shows the strong involvement of the present applicant in the present crime. Police papers shows that, there is an apprehension of pressurizing the informant and witnesses by the applicant. In this circumstances, I am of the opinion that applicant is not entitled for bail. Hence, the following order.

ORDER

The application is hereby rejected.

Date :-24-12-2025

(Satyawan T. Doke)
Additional Sessions Judge,
Daryapur.