


<p>MHBI010039632023</p> 	<p><b><u>SESSIONS CASE No. 198 of 2023</u></b></p> <p><b>The State of Maharashtra.</b> <b><u>Vs.</u></b> <b>Sandip alias Nana s/o Bapurao Kharade.</b></p>
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**ORDER BELOW EXHIBIT 06.**

This is bail application filed by applicant/accused No.2 Sandip alias Nana s/o Bapurao Kharade under Section 439 of the Code of Criminal Procedure, in connection with C.R. No.345/2023 registered with Police Station, Ashti Tq. Ashti Dist. Beed for the offences punishable under Sections 307, 326, 325, 201, 504, 506 read with Section 34 of the Indian Penal Code.

2) On 26/07/2023 informant namely Dattatray Sahebrao Kharade, while admitted in Neuron Plus Hospital Ahmednagar gave statement to police that on 24/07/2023 at about 9.00 am he had gone to his agricultural land Survey No. 354 in the vicinity of Matkuli Tq. Ashti Dist. Beed. At that time he saw that applicant alongwith co-accused Bapu were digging common Bandh between his agricultural land and that of the accused. Informant asked them that as to why they were doing it, at that time applicant alongwith co-accused Bapu started to abuse him. Accused Bapu fall him down and present applicant gave blows of stone on his head with intent to kill him and thereby caused grievous hurt to informant. Informant shouted for help, at that time his wife came there and asked them as to why they were beating her husband. Thereafter accused No. 3 Kaveri assaulted informant's wife by means of fist and leg blows and threatened to kill her. Informant sustained grievous bleeding injury to his head. Informant was taken to Civil Hospital, Ashti for treatment along with his wife. Doctor gave him

primary medical treatment and referred to Civil Hospital, Ahmednagar. However, informant became unconscious, therefore, informant's wife took him to Neuron Plus Hospital, Ahmednagar. Doctor conducted surgery on his head. On the basis of above said statement given by informant present crime came to be registered against applicant and co-accused at Ashti Police Station for the above-said offences. Accordingly the report.

**3)** The applicant inter-alia contended that he is innocent and has not committed alleged offence. Co-accused are enlarged on bail. Previous bail application of the applicant is rejected as investigation was going on. Now investigation is completed and charge-sheet is filed. Informant is discharged from the Hospital. He is behind the bars since the date of arrest i.e. 27/07/2023. He is ready to obey any conditions and prayed to allow the application.

**4)** Ld. APP resisted the application by filing say at Exh.20. As per the contents, police papers prima facie show active participation of the applicant in alleged crime. Filing of charge-sheet is in not substantial change in circumstance. The offence is serious in nature. Considering gravity of offence, if bail is granted, the applicant will commit similar offence and also will tamper with the prosecution evidence. Lastly it is prayed to reject the application.

**5)** Heard the Ld. Advocate for the applicant/accused and Ld.APP for the State.

**6)** Learned Advocate for the applicant/accused argued on the line of bail application. He submitted that the applicant is innocent. Since 27/07/2023 he is behind the bars. Investigation is completed and charge-sheet is filed. No purpose will be served by keeping the applicant/accused behind the bars. He prayed to allow the application.

**7)** Ld. APP submitted that active involvement of the applicant can be seen from the police papers. The applicant and co-accused assaulted informant and caused him grievous injury. The offence is serious in nature. If the applicant is released on bail, possibility of tampering with the prosecution evidence cannot be ruled out. Moreover the applicant will abscond and will flee away from justice. He prayed to reject the application.

**8)** It reveals from police papers that at the relevant time the applicant and co-accused Bapurao were digging common Bandh between land of informant and that of the accused. On that count quarrel took place and in that quarrel present applicant allegedly assaulted informant by stone on his head and caused bleeding injury to informant. Informant's mother intervened and she was also beaten by applicant's mother. Thereafter the informant and his mother were rushed to Hospital. It appears that there is land dispute between informant and applicant/accused. The informant is discharged from the Hospital. So there is no possibility of conversion of the crime into a greater offence. Previous bail application of the applicant was rejected as investigation was going on. However, now investigation is completed and charge-sheet is filed. There is nothing to be recovered or discovered at the instance of the applicant. So further detention of the application does not appear warranted. The applicant is arrested on 27/07/2023 and since then he is behind the bars. There appears no antecedents of the applicant. Trial of the case may take its time. Hence it would not be appropriate to languish the applicant/accused behind the bars indefinitely. Consequently it would be apposite to enlarge the applicant on bail. Apprehension of the prosecution can be taken care of by imposing certain conditions on the applicants. In the result following

order is passed :-

**ORDER**

- 1) The application is allowed.
- 2) The applicant/accused namely **Sandip alias Nana s/o Bapurao Kharade** be released on bail in C.R. No.345/2023 registered with Police Station, Ashti Tq. Ashti Dist. Beed for the offences punishable under Sections 307, 326, 325, 201, 504, 506 read with Section 34 of the Indian Penal Code on executing PB and SB of Rs.30,000/-.
- 3) The applicant/accused shall not directly or indirectly tamper with the prosecution evidence.
- 4) The applicant/accused shall produce his residential proofs such as Ration card or Adhar card or electricity bill etc. to show his permanent place of residence, at the time of furnishing surety in the Court.
- 5) The applicant/accused shall not commit similar or any other offence.
- 6) The applicant/accused shall attend the Court on fixed dates.
- 7) Copy of this order be sent to Jail authority, Beed through E-mail.

Date : 13/12/2023  
Beed.

**Sd/-**  
**( V. H. Patwadkar )**  
Additional Sessions Judge-2,  
Beed.

**:: CERTIFICATE ::**

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Dictated on :- 13/12/2023

Transcribed on :- 13/12/2023

Checked & Signed on :- 13/12/2023

Dt.13/12/2023

**Sd/-**  
( Asifali R. Sayyad )  
Stenographer Grade-I  
Additional Sessions Court  
Beed.