

Sessions Case No.87/2018

The State of Maharashtra

-versus-

Raju Paulad More(Bhil)

Order Below Exh.6

Accused has sought bail under Section 439 of Cr.P.C. in connection with Crime No.129/2018 registered with Dhule Taluka police station for the offences punishable under Sections 302, 324, 323, 504, 506 IPC.

02. In short, facts of the case are as under;

On 27-04-2018 at about 9-30pm informant Dagdu Marathe and deceased Devidas Pawar were proceeding on old Pimpalkotha road at village Mukti. Accused Piyu Davalse(Bhil) and Raju More(Bhil) met them and demanded money for liquor. When met with refusal, accused persons gave push and pulls to the informant and deceased and abused them. Accused Piyu called accused Mahendra by phone. He came on motorcycle. He also abused and threatened the informant and deceased. Somehow they effected release and went to the field of informant.

03. Devidas slept on ground and Dagdu slept on bed(cot). Between 11-00pm to 11-30pm informant received a blow of wooden rod on his nose and he woke up. He found accused Piyu holding axe when he lit the torch. Piyu dealt a blow of axe rod on informant's head. Accused Mahendra dealt stick blow on his face and accused Raju dealt fist blows and threatened the informant. At that time, informant beat accused Piyu with his torch. Thereafter, accused Piyu dealt axe blows on head and neck of Devidas who sustained bleeding

injuries. Informant rushed to the village and informed the incident to the wife of deceased. Subsequently, Devidas died. In such circumstances, FIR came to be registered. Accused was arrested on 28-04-2018 and since then he is in custody.

04. The State has opposed bail application on various grounds.

05. Ld.Adv. Shri.Waghmare for the accused has submitted that present accused Raju did not commit assault on the deceased. His role is limited to giving fist blows to the informant. It is unbelievable that in the course of beating of informant, Devidas did not wake up. Investigation is complete. Chargesheet is filed. For no practical purpose presence of accused in the custody is necessary. He is local resident and is ready to abide by conditions of bail.

06. Ld.APP Shri.G.Y.Patil has submitted that intention of the accused is more important than the actual part played by him. Presence of the accused tilted the balance due to which accused persons could overpower the informant and deceased which resulted in one death. Presence of accused Raju helped others to commit assault with deadly weapons. Trial is yet to commence. Informant is the eye witness who saw the presence of accused and his act. He has prayed for rejection of application.

07. Since chargesheet is filed and case is committed, it is obvious that investigation is over. Both weapons of offence were seized in the course of investigation. This is not the time to dwell

upon the issue of common intention and as to how the incident unfolded. Accused Raju's presence in both incidents has been stated in FIR. Specific allegation against him is dealing fist blows to the informant. Apart from that he did not commit act of violence. He did not assault the deceased in any manner. As far as bail is concerned, specific allegations against each of the accused required to be considered. Hence, considering the fact that investigation is over and the allegation against present accused, this is fit case to grant bail to the accused. In the result, I pass following order.

ORDER

01. The application is allowed.
02. Accused/applicant Raju Paulad More(Bhil) be released on execution of P.B. of Rs.25,000/-with one solvent surety in the like amount.
03. Accused shall attend the concerned police station on every Monday between 10-00am to 12-00noon till three months from the date of his release.
04. Accused shall not enter village Mukti till conclusion of trial.
05. The accused shall not tamper prosecution evidence.

Date:-18-09-2018

Sd/-
[A.D.Kshirsagar]
Addl. Sessions Judge, Dhule.

Certificate

I certify that the contents of this PDF file
are word to word as per Original Judgment/order.

Name of the Steno : Nandkishor E.Kolhe
Name of the Court : Court of District Judge-3
& Addl. Sessions Judge, Dhule.
PDF Uploading Date : 18-09-2018

Sd/-...
Stenographer