

Order below Exh. 4 in Sessions Case No. 72/2024

1. The applicant/accused **Prajval Jamnalal Pawar** has filed this application for regular bail u/s 439 of the Cr.P.C. in Crime No. 126/2024 registered with Dhule City Police Station for the offences p/u/s 307, 323, 504, 506, 143, 147, 148 of the IPC, Sec. 4/25 of the Arms Act and 135 of the Maharashtra Police Act. Notice issued to the respondent. Ld. AGP. Mr. G.Y. Patil appeared for the State & filed his say with signature of investigating officer. It is marked at Exh. 5.

2. I heard Ld. Advocate Mr. A.C. Saiyed (Legal Aid) for the applicant accused. He argued that applicant there was quarrel between complainant and accused. The applicant and co-accused assaulted complainant with sword on his head. Due to assault, complainant sustained injury on his left hand and left leg. Accordingly, complaint is registered at Dhule City Police Station. Accused is arrested on 13/03/2023. Since then he is in jail. His previous bail application is rejected and circumstances are changed. Chargesheet is filed. Hence, prayed bail application may be allowed. To support his arguments, he relied on the case of **Vijay Vinshu Bhoi Vs. State of Maharashtra 2022(3) Bom. C.R. (Cri.) 164** the Hon'ble High Court held that

"During the course of investigation, statements of various persons have been recorded, which include the statements of Rupesh, Dinesh, Viraj, Janardhan and Pooja, who have witnessed the incident and the said statements are in sync with one another. A specific role is attributed to Ajay, who has assaulted the Complainant by means of a sword and Rohit, who has mounted the assault by means of iron rod.

Sachin and Wasim are attributed minimal roles of assaulting by fists and blows. "

Hence, prayed that bail application may be allowed.

3. I heard AGP Mr. G.Y. Patil. He argued that prosecution filed the say and opposed the bail that the role of accused is established during the investigation. He is having active participation alongwith the co-accused. Nature of offence is serious. If the applicant accused released on bail, there is possibility of tampering of evidence and absconding accused. His previous bail application is rejected on merits by this court. There is no change of circumstances to release accused on bail. Hence, prayed bail application may be rejected.

4. While considering arguments of both the advocates, after perusal of investigation papers, it indicates that, the applicant accused alongwith other co-accused involved in this crime. Some of the accused are absconding. The applicant is arrested. The informant also having criminal record. The applicant accused used weapon. The said weapon is dangerous. If the applicant accused released on bail then there is possibility of repetition of similar incident and there is dangerous to the life of the victim. the previous bail application of present applicant decided on merits and it was rejected. All these facts are discussed by this court previously. The offence is serious in nature. The act of the accused is preplanned. Therefore, there is no any circumstance to change to consider application of accused on merits. The present application filed by applicant accused is not considerable on merits. Therefore, in the interest of justice, I pass the following order :-

ORDER

- a) Bail application Exh. 9 filed by **Prajval Jamnalal Pawar** is hereby **rejected**.
- b) Accordingly, bail application is disposed off.
(Order dictated & pronounced in open Court).

Date : 08/07/2024

(S.R. Bhadgale)
Addl. Sessions Judge, Dhule

Certificate

I certify that the contents of this PDF file are word for word as per Original Order.

Name of the Steno : Sanjay H. Patil
Name of the Court : Court of the District Judge - 1 and
Addl. Sessions Judge, Dhule
PDF Uploading Date : 08.07.2024

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