

IN THE COURT OF SESSIONS JUDGE, DHULE
AT DHULE

ORDER BELOW EXH. 41
SPECIAL CASE NO. 132/2024

(CNR No. MHDH01-002358-2024)

(State of Maharashtra Vs Vijay Sudam Koli + 2)

1] Applicant/accused No1 Vijay Sudam Koli has filed application for regular bail under Section 439 of Cr.P.C.1 (under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023), for the offences punishable under Sections 302, 324, 323 r/w 34 of the Indian Penal Code and under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Special Case No.132/2024 registered in connection with crime No.229/2024 of Shirpur City Police Station.

2] Perused application, say and record.

3] It is the submission of Ld. Advocate Shri. B. B. Waghmare for accused No. 1 Vijay that, it is his first bail application. Prior to this, accused No. 2 Vicky and accused No. 3 Sudam got regular bail by this Court and by the Hon'ble High Court, respectively. Regarding the incident, it was sudden scuffle and there was no intention to kill anybody. In that scuffle accused persons were also injured. It was prefight which arise only for the reason to enjoy the *Mehendi* programme. There was no previous enmity in between accused persons and deceased. Already recovery was done and investigation is concluded. Chargesheet also submit in the Court and trial will take

substantial time to conclude. Accused Vijay is the permanent resident of Dhule district and he has landed property in Anandwadi Karwand village. He has no criminal antecedents. Therefore, it is proper to keep him behind bar for uncertain period. Lastly, submitted for regular bail.

4] Ld. Addl.PP Shri. S. J. Murkya strongly objected to release these present accused on regular bail on the grounds that, already two co-accused released on bail who are the family member of present accused. Informant, deceased and all accused persons are the resident of same village, therefore, possibility of tampering cannot be ruled out. Deceased and injured are the members of Bhil tribe and accused persons are not coming in the category of SC or ST community. Therefore, pressurizing tactic on the basis of high caste influence cannot be ruled out. Injured and deceased was sustaining grievous injuries and present accused is the main assailant. Prosecution will conclude the matter earliest. Hence, it is not proper stage to release him on regular bail.

5] Previous on 06.08.2024 this Court has granted the regular bail to accused No. 2 Vicky considering his lesser role in the assault. Whereas, the same prayer of accused No. 3 Sudam is hereby rejected by considering his active and direct role. FIR reveals the role of this accused Vijay is very specific which shows that, he had given a kick to informant Yogesh. Thereafter, he had got angry against the Jama, who was the maternal uncle of informant Yogesh, when he had asked him as to why he had kicked to Yogesh. Due to the anger this accused Vijay assaulted

on the chest, hand and stomach of Jama by the sharpen weapon. Yogesh felt unconscious and Jama succumbed to the injuries. Post mortem report also corroborated with the injuries mentioned in the FIR.

6] As per record, chargesheet filed on 29.06.2024. Till date due to filing frequent bail applications by one or other accused persons, prosecution could not proceed further this matter. Considering the role of accused persons, it is obvious fact to see that, they have shown their dominance in the village on the members of SC and ST communities. Considering the greater role of present accused and his dominance, I find possibility of tampering and repetition of same kind of offence cannot be ruled out. Hence, I do rely on the submission of prosecution. Considering the assurance by the prosecution to conclude this matter earliest, it is just and proper to try this matter by keeping this matter behind the bar.

7] Apprehension of prosecution is just and proper. I do not find any justifiable reason to release this accused on regular bail, particularly few months back chargesheet submitted. It cannot be comment at present that, trial will take years together. Hence, I pass following order.

ORDER

Bail Application (Exh.41) is hereby rejected.

Dhule
Date : 08.01.2025
Time : 02.45 pm to

(Madhuri Anand)
Sessions Judge, Dhule.

Certificate

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

Name of the Steno : Prashant P Kulkarni
Name of the Court : Court of the Principal District Judge and
Sessions Judge, Dhule
PDF uploaded on : 08.01.2025

Sd/xx
Stenographer