

**IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.**

**SESSIONS TRIAL NO. 21/2022.**

(CNR NO.MHGO01000409-2022)

**State, PSO, Salekasa -Vs- Gajanan & oth.**

**ORDER BELOW EXH. 73.**

(Passed on this 13<sup>th</sup> day of December, 2022)

This is an application for grant of temporary bail filed by applicant/accused No.4 Khushal Giravlal Uprade for appearing for CLAT examination scheduled to be held on 18/12/2022. In support thereof he has also relied upon the admit card as per list Exh.74.

2. Learned advocate for the applicant submits that the applicant/accused has been implicated in Crime No. 05/2022 for the alleged offence punishable under Sec. 302 r/w 34 of the I.P.C. and Sec. 3(2)(5a), 3(2)(v) of the SC & ST (Prevention of Atrocities) Act. The applicant was earlier by order dated 25/05/2022 passed below Exh.07 and order dated 15.06.2022 passed below Exh. 26 granted temporary bail for attending practical examination from 31/05/2022 to 01/06/2022 and 4<sup>th</sup> Semester Examination from 15.06.2022 to 28.06.2022. He was further granted temporary bail for attending 5<sup>th</sup> Semester Examination of MSc Final as per order passed below Exh.33 dated 02/07/2022. The applicant has abided by all the conditions and has surrendered before the Court as directed by the Court. He submits that the present

application is for temporary bail only and not on the merits and considering the academic carrier of the applicant he may be granted temporary bail for attending the examination.

3. I.O. has filed reply at Exh. 75 and opposed the application on the ground that the applicant is the main accused. There are eye witnesses who have named the applicant as assailant. The applicant may threaten or influence the witnesses. The case is based on caste bias. He has prayed for rejection of the application.

4. Ld. APP Shri. Khandelwal has opposed the application on the ground that prima-facie case is made out against the accused for offence under Sec.302 of I.P.C. The applicant has committed murder of deceased who belonged to Scheduled Caste as he was having love affair with his sister. He has prayed for rejection of the application.

5. I have gone through the charge-sheet. Prima-facie case is made out against the applicant who has been named accused/applicant an assailant by the witnesses. The offence is grievous. However, this application is not being decided on merits to enlarge him on bail till conclusion of the trial. The consideration before the Court is whether the academic

carrier of the applicant should hamper. The applicant was earlier by orders granted temporary bail for attending examinations as per order below Exh.7, 26 & 33 and was enlarged on temporary bail. As per the directions of the court after appearing in the examinations the accused surrendered before the Court on the given dates. The conduct of the applicant shows that there are remote chances of his absconding and abided by the earlier conditions imposed by said order.

6. Under such circumstances, he is entitled for grant of temporary bail. As per the admit card filed along with list Exh.74, the CLAT examination is to be held on 18/12/2022. Hence, I pass following order.

### **ORDER**

- 1] Application [Exh.73] is allowed.
- 2] The applicant/accused Khushal Giraval Uprade be released on his executing PR & SB bond of Rs.15,000/- on temporary bail from 15.12.2022 to 20.12.2022 on the following conditions;
  - i] The applicant shall not enter village Nimba, Tah. Salekasa.

- ii] The applicant shall not threaten or influence the witnesses directly or indirectly.
- iii] The applicant shall surrendered before the Superintendent of District Prison, Bhandara on 20.12.2022 before 5.00 p.m. positively.
- 3] Superintendent of District Prison, Bhandara to take note of order and comply.
- 4] Hamdast granted.
- 5] Application is disposed of.

Gondia.  
Dated: 13.12.2022.

Sd/-\*  
(Adil M. Khan)  
District Judge-1 & ASJ,  
**Gondia.**