

MHKO010022552025



Sess.Case No.126/2025

Order below Exh.3

Applicant Karan @ Ganesh Kiran Kakade has filed this successive third regular bail application under section 483 of the Bharatiya Nagarik Suraksha Sanhita. He and 3 others are chargesheeted for the offences punishable under sections 109, 189(2), 190, 191(2), 115(2), 118(1), 352, 352(2), 324(4) of the Bharatiya Nyaya Sanhita, 135 of Maharashtra Police Act and 4 of The Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010.

02. The grounds for bail are stated in the application. According to the accused investigation in the crime is completed. He is charge-sheeted. This is the change in circumstance and on that count he is entitled to get bail.

03. The Investigating Officer submitted say at Exh.5. The say submitted by him is produced in verbatim-

“सदर गुन्हयातील आरोपी क्र.१. गणेश किरण काकडे वय.३३ वर्षे रा.५६९, सी वॉर्ड, आझाद गल्ली, रविवार पेठ, कोल्हापूर याने वरील संदर्भान्वये जामीन मंजूर होणेबाबत मा.न्यायालयात अर्ज सादर केलेला असून सदर गुन्हयाचे दोषारोपपत्र मा.न्यायालयात दाखल करणेत आले आहे. तरी आरोपीचे जामीन अर्जाबाबत योग्य ते आदेश होणेस विनंती आहे ”.

04. Learned Public Prosecution objected the application stating that considering the grounds this application may kindly be rejected.

05. Learned advocate Shri.Rane for the accused invited this Court's attention to the medical certificate and submitted that all the four injuries caused to the informant are simple in nature. In ordinary course such injuries are not sufficient to cause death. He further submitted that the first application was rejected as the chargesheet was not filed. The second application was filed only on the ground of illness of real brother of the accused and not on the merits. He further submitted that the accused is having roots in the society and there are no chances of his absconding. He prayed for bail.

06. Learned P.P. submitted that the accused and the victim live in the same vicinity. There is every possibility of tampering with the evidence. The accused may not be granted bail.

07. From the say submitted by the Investigating Officer it appears that he has no objection to grant bail to the accused.

08. The medical certificate on record shows that the victim caused contused lacerated wound of 3 x 2 x 2 c.m. size over his left occipital parietal region. Except this injury other injuries are on the right hand, right thumb and left chest of the victim. The injury on his chest is contusion. Only injury no.1 is on the vital part of the victim's body. The description in the F.I.R. shows that the victim went to the police by walk after taking

preliminary treatment from his staff members (the victim is a Medical Doctor by profession) and then went to the Government hospital and took treatment there. He was discharged on the 21-03-2025 i.e. on the day of incident itself. Thus, there are no chances of escalation of gravity of crime. Investigation in the crime is completed. The accused has no criminal antecedents. Other three accused are released on bail. Keeping the aspect of tampering with the evidence, stringent condition will have to be imposed on the accused. Thus, the accused is admitted to bail. In the result, following order is passed -

ORDER

1. The application is allowed.
2. Applicant be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with surety of Rs.25,000/- and cash surety of Rs.25,000/-.
3. He shall not tamper with the evidence and threat the witnesses, directly or indirectly.
4. He shall appear before the concerned Police Station on every Sunday between 6 & 7 p.m. till evidence of all eye witnesses is recorded.
5. The applicant to comply as per Chapter-I Para 12 of the Criminal Manual.

Date : 05-07-2025

(D.V.Kashyap)
Additional Sessions Judge, Kolhapur.