

MHKO010024282025



In the Sessions Court, Kolhapur, at Kolhapur

(Presided over by Aparna S. Waikar, Additional Sessions Judge, Kolhapur)

Session Case No.134/2025

The State of Maharashtra

... Prosecution

Through Gokul Shirgaon Police Station.

Versus

Nilesh Krushnath Toraskar

... Accused

Order below Exh. 4

1. This is first bail application filed by the accused in C.R.No.72/2025 registered with Gokul-Shirgaon Police Station under Section 109, 351(2) of BNS and under section 5 and 25 of Arms Act.

2. As per FIR, accused Nilesh was harassing his wife Radhika and therefore, she came to her maternal house along with her three daughters. Nilesh got angry and started criminally intimidating Radhika's brother Dattatraya as well as her mother Malan Patil. On 04/03/2025, Nilesh came to maternal house of Radhika and assaulted her mother on her head and hand with a

sword, due to which she sustained grievous injuries, therefore, Dattatraya Patil lodged FIR against the accused on 05/03/2025. The accused was arrested on the same day.

3. It is stated by the applicant that he has not committed an offence and he has been falsely implicated due to prior domestic disputes. The victim is discharged from hospital and the applicant has not assaulted her. Ld. Advocate for the applicant argued that the witnesses are interested witnesses and their evidence is hearsay. He pointed out that there are no criminal antecedents against the accused and now the investigation is complete. He submitted that applicant's mother is a senior citizen and he is permanent resident of Yelgud, Tal-Karveer and is ready to abide the conditions imposed by the court.

4. I. O. and Ld. APP Smt. Patole filed say and opposed the bail application on the ground that the applicant may tamper with the evidence or may pressurize the witnesses. The applicant may repeat the offence or may commit serious offence as his wife Radhika is still residing at her maternal house. Ld. APP argued that accused assaulted on vital part i.e. head of the victim with intention to kill her. He had come to the house along with sword which shows his preparation. Thus, she prayed to reject the bail application.

5. Original informant filed application at exh.6 and prayed to reject the bail application on the ground that the victim is still taking medical treatment and relatives of the accused are

pressurizing the informant's family to settle the matter.

6. I have considered rival submissions and have perused the charge-sheet. The offence of attempt to murder is serious. There are specific allegations that the accused came to the house of the informant with a sword and assaulted his mother on her head and hand. Prima facie, the spot was shown by the accused and the sword was recovered from the spot. There were blood stains on the rock near informant's house. The statement of the victim shows that the accused assaulted her on her head and shoulder and ran from the spot. Similar statements are given by other witnesses. Although, some witnesses are family members of the informant, an independent witness running a Saloon nearby has also stated that present applicant assaulted the victim. The medical certificate shows grievous injury on vital part of the body of the victim, caused by sharp weapon. Prima facie, there is sufficient material to indicate involvement of the applicant in serious offence.

7 The applicant has relied upon case of **Anil Vs. Union Of India, 2025 M. P.791**, wherein Hon'ble Madhya Pradesh High Court considered prolonged incarceration and the bail application was allowed without commenting on merits. The said case was in respect of 6th bail application filed by the applicant. He was behind bars for more than two years nine month, and therefore, he was released on bail. He also relied upon case of **Navin Kumar Vs. State of Karnataka, decided by Hon'ble High Court of Karnataka at Bengaluru on 21/03/2025**. There was injury to left hand and the victim was

discharged. The facts of the both these cases were different from present one. In present case, the victim has sustained grievous injury on vital part of the body and there is possibility of tampering of the evidence, therefore, these citations will be of no help to the accused.

8. Now, the investigation is over and the charge-sheet is filed. However, the documents on record prima facie show that the accused committed the offence with preparation. The witnesses have stated that accused went to the house with sword in his hand. There is nothing to indicate that he acted on sudden impulse. If the applicant is released on bail, there is very strong possibility of tampering of the evidence and he may pressurize the witnesses. There are not many witnesses to be examined and the prosecution is ready to conduct the matter. Considering all the circumstances and gravity of the offence, in my opinion, the accused is not entitled to bail. Hence, I pass following order.

Order

The application is rejected.

Place : Kolhapur.
Date : 03/11/2025.

(Mrs. Aparna S. Waikar)
Additional Sessions Judge
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs.S.R.Tambvekar
Name of Court	Mrs. Aparna S. Waikar, Additional Sessions Judge, Kolhapur.
Date of Dictation	03/11/2025.
Order signed by the P.O. on	03/11/2025.
Order uploaded on	03/11/2025.