



CNR: MHLA01-002938-2023.
Sessions Case No.85/2023.
State Versus Datta & ors.

ORDER BELOW EXH.17.

1. Present application has been filed on behalf of accused for releasing accused on bail. The grounds for the same are mentioned as, the accused No.2 and 3 have been released on bail, investigation in the case is completed and charge-sheet is filed. On its perusal, it appears that there is no strong evidence against accused No.1. There is no endorsement on injury certificate that the said injury is likely to cause death. Accused No.1 is farmer and his entire family is dependent on the accused No.1 for their livelihood. Accused No.1 is arrested on 01.03.2023. Accused is ready to abide all the conditions imposed in the event of grant of bail.

2. Say by Investigating Officer filed at Exh.19, which has been adopted by learned A.P.P. vide pursis Exh.18. It is mentioned in the say that spot-panchnama has been carried out, statements of witnesses have been recorded, the clothes of victim /injured have been seized; so also, clothes of accused No.1 have been seized, the blood sample has been collected, by preparing memorandum-panchnama the weapon used in offence has been recovered. The grounds for rejection of application are mentioned as, the offence is of serious nature, informant and accused No.3 are relative and they are resident of same village. Accused No.1 is main accused of the crime and if he is released

on bail, there is possibility of repetition of same offence. There is also possibility of tampering of witnesses by accused.

3. Advocate for applicant/accused No.1 submitted that entire investigation is completed and there is nothing remained to be investigated in the case. Therefore, further custody of accused is not required and it is necessary to release the accused on bail. From the material collected during investigation, it appears that there is no evidence against accused pertaining to the commission of alleged offences. Therefore, accused is entitled to be released on bail.

4. Learned A.P.P. argued that on the day of incident, informant went to the house of accused for asking some help. However, all the accused, in furtherance of their common intention, abused informant, assaulted him by kicks and blows and accused No.1 with intention stabbed knife into the stomach of informant. Witnesses are acquainted with the accused and if accused will be released on bail, he will tamper the witnesses and will prevent them from deposing. There are eye-witnesses of the incident, to whom there is threat by accused.

5. Advocate for accused specifically submitted that there is no endorsement on injury certificate that the said injury is likely to cause death. On injury certificate, there is mention of incised wound i.e. stab injury on supra umbilical area, caused by sharp object. It appears that by preparing memorandum-panchnama the said weapon used in the offence has been recovered. It appears from the material placed on record that the

eye-witnesses of the incident are from locality of accused/applicant, thus there is every possibility of tampering of those witnesses by accused. There is also apprehension of threat to those witnesses by accused. Therefore, there are chances of repetition of same offence. On perusal of report and statements of witnesses, it appears that allegations are made against accused No.1 that by stabbing blow of knife into the stomach of informant, accused No.1 has committed the said alleged offence. Thus, prima facie, it appears that accused No.1 is having main role in the commission of alleged offence. Considering the gravity of offences and the manner of circumstance, in which the incident occurred, accused No.1 has not made out the grounds for granting bail. Hence, following order :-

ORDER

Application Exh.17 is rejected.

Date : 02.01.2024.

(Smt. R.M. Kadam)
Additional Sessions Judge - 4,
Latur.

CERTIFICATE

I affirm that the contents of this Judgment/Order are same, word to word as per the original Judgment/Order.

Name of the Stenographer	:	V.S. Patil
Name of the Court	:	R.M. Kadam, District Judge-4 & Additional Sessions Judge, Latur.
Judgment/order dictated, declared and typed on	:	02.01.2024.
Judgment/order signed by P.O. on	:	03.01.2024.
Judgment/order uploaded on	:	03.01.2024.
