



**Order below Exh.51 for grant of bail under Section 439 of Cr.PC.
(Passed on this 25th day of Oct., 2024)**

The applicant/accused **Datta S/o. Baburao Ade** has filed this application under Sec. 439 of Cr.PC. for regular bail in changed circumstance.

2. It is contended that, the applicant has been falsely involved in this crime. The ingredients of offence punishable under Sec. 307 of I.P. Code not made out, there is two days delay, the evidence of this witness has been recorded before the Board under The Juvenile Justice (Care and Protection) Act, 2015, wherein he has stated that, at the time of incident, it was dark, construction work was going on at the spot. He himself fell on iron rod and sustained injury.

It is further contended that, other eye witnesses examined in this matter are not supporting to the prosecution case. The applicant/accused is bread earner in his family. Hence, this application.

3. Investigating officer has filed reply at Exh.63 and resisted this application by contending that, the offence is of serious in nature and the applicant/accused, complainant and witnesses are residing in the same village and the possibility of threatening prosecution witnesses can not be ruled out.

4. Heard, Ld. Advocate appearing for the applicant/accused and Ld. A.P.P. appearing for the prosecution. Gone through the material on record.

5. The charge has been framed against the applicant/accused with co-accused for the offences punishable under Sections 307, 324, 504, 506 r.w. 34 of the I.P.Code vide Exh.23. It is allegations of the prosecution that, on 15.2.2023, the applicant/accused with co-accused in furtherance of their common intention assaulted the informant by kicks and fists blows and applicant/accused stabbed knife in the stomach of the informant and thereby committed an offences punishable under Section 307of I.P. Code. According to the prosecution, the incident is witnessed by Pradip Jadhav, Lahu Ade and Akash Pawar. The prosecution examined Pradip Jadhav as PW. No.2. This witness has not supported to the prosecution case. Further during pendency of this petition, the evidence of informant i.e., injured was recorded vide Exh.67. Injured has stated in his evidence that on 15.2.2023, he was going to village to bring grocery articles. He fell down in dark and sustained injury by iron bar at construction site. This witness has stated that it didn't happen that on 15.2.2023, the accused stabbed him by knife. This shows that, the informant who is victim of the incident is not supporting to the prosecution case. When informant and other material witnesses are not supporting to the prosecution case that time, it is not proper to detain the applicant/accused behind bar for uncertain period. Hence, following order.

ORDER

1. Application is hereby allowed.
2. The applicant/accused **Datta S/o. Baburao Ade**, in Crime No.22/2023 of Gategaon-Police Station, be enlarged on bail, on executing P.R. bond of **Rs.25,000/-** with surety in the like amount subject to following conditions.
 - i) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
 - ii) Applicants/accused shall not tamper the prosecution evidence in any manner.

(Dictated & pronounced in the Open Court.)

Latur
Dated : 25.10.2024.

(D. B. Mane)
I/C Additional Sessions Judge-4,
Latur.