

MHND010027422021 	<u>ORDER BELOW EXH.36 IN</u> <u>SESSIONS CASE No.234/2021</u> <u>State of Maharashtra Vs.</u> <u>GURUMUKHSINGH RAMGADIYA</u> <u>& OTHER</u>
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ORDER BELOW EXH.36**(Dt:14/10/2022)**

- 1- This an application for bail preferred by applicant Gurumuksingh S/o Bhagatsingh Ramgadiya under Section 439 of the Code of Criminal Procedure, 1973.
- 2- The applicant came to be arrested in connection with Crime No.123/2021 of Mudkhed Police Station, District Nanded for offences punishable under Sections 302, 326, 324, 504 read with Section 34 of Indian Penal Code and Section 4/25 of Indian Arms Act.
- 3- Succinctly, levelling a variety of allegations and narrating the sequence of events, in all, the contents of the FIR disclose major offence that the applicant and his associate committed murder of Dharamsingh Ramgadiya by means of sword and thereby committed offences punishable under Sections 302, 326, 324, 504 read with Section 34 of Indian Penal Code and Section 4/25 of Indian Arms Act.
- 4- The applicant has prayed to release him on bail on following grounds :-
 - A) The applicant is falsely implicated in the case.
 - B) The applicant is permanent resident of District Nanded, Maharashtra State.
 - C) The applicant is ready to abide by any condition of bail.

5- The Learned APP has filed say below present application and contended that the offence is serious in nature and against the society, the applicant is an active participant in the said offence, he has assaulted the mother of the informant as well as the father by using the sword, investigating officer recorded the statement of eye witnesses, also made recovery under Section 27 of Evidence Act, the applicant will tamper the prosecution witnesses and/ or hamper the investigation and he will not cooperate with the process of law, therefore, the bail application be rejected.

6- After hearing Learned Counsels for both the sides and going through the record with their valuable assistance and after considering the matter deeply, there is material against the applicant to show that he dealt blows of sword on the deceased which resulted into latter's death. The accusation is well founded. The applicant can't claim parity with the other accused Deepak as his role was found to be his presence at the spot without overt act and therefore he was released on bail by Hon'ble High Court. Taking into consideration the totality of the facts and circumstance emanating from the record, the nature and gravity of the accusation, the reasons discussed herein above and without commenting further anything on merits, lest it may prejudice the case of either sides during the course of trial, applicant is not entitled for bail. Hence, following order.

ORDER

The bail application Exh.36 is dismissed and disposed off.

Date :-14 /10/2022

**(C.V.Marathe)
Addl. Sessions Judge,Nanded.**

CERTIFICATE

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

1. Name of the Stenographer:- Mr. V.G.Dandare, Steno (L.G.)
2. Court Name :- Court of District Judge-2 and
Addl. Sessions Judge, Nanded
3. Date of :- 14/10/2022
4. Order signed by the
Presiding Officer on :- 15/10/2022
5. Order uploaded on :- 17/10/2022

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