

CNR: MHND010027422021 	<u>SESSIONS CASE NO. 234/2021</u> <u>State of Maharashtra</u> <u>Vs.</u> <u>Gurumukhsingh</u>
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ORDER BELOW EXH. 42

The accused No. 1 Gurumukhsingh @ Pintya Bhagatsingh Ramgadiya is seeking bail under section 439 of Cr.P.C. in connection with crime No. 123/2021 for the offences punishable under sections 302, 326, 324, 323, 504 read with Section 34 of the Indian Penal Code and Section 4/25 of the Arms Act.

2. Perused the application and say filed by the Investigating Officer. Heard learned Advocate Shri. Ardhapurkar appearing for the accused and learned P.P. for the State.

3. The allegations against the applicant accused is that he along with other accused has committed murder of one Dharamsingh Ramgadiya by means of swords.

4. It is pertinent to mention here that after filing of charge-sheet the applicant had made various bail applications which have been rejected by the Court. The application filed at Exh. 5 was rejected on 29-01-2022, Exh 22 was rejected on 30-06-2022 and Exh. 36 was rejected on 14-10-2022.

5. The learned advocate Shri Ardhapurkar appearing for the applicant accused has vehemently urged that the accused is in jail since more than two years, he has undergone the medical treatment and operated for hernia. The role of accused nos. 1 and 2 in the crime is same. There is no direct evidence against the applicant accused. He has further submitted that perusal of charge-

sheet shall reveal that there are material contradictions, omissions and improvements in the statements of the witnesses which are required to be considered while deciding this application. The applicant is permanent resident of Nanded, therefore there is no possibility of his fleeing away from justice. Accused no. 2 is released on bail, therefore same grounds be considered to release the applicant on bail. He is ready and willing to abide by the conditions imposed on him by this Court, if released on bail. Hence, prayed to enlarge the applicant on bail.

6. As against this learned P.P. has strongly opposed the application. The learned P.P. has submitted that the applicant has committed murder of the deceased. He has also caused serious injury to the mother of the informant by means of swords. Statements of the witnesses show active participation of the applicant in commission of the crime. The accused is habitual offender and certain serious crimes are registered against him and pending before the Court. If the applicant is released on bail, he may pressurize the prosecution witnesses. Therefore, the application deserves to be rejected.

7. Say filed by the Investigating officer shows that there are as many as 08 crimes registered against the applicant. He is habitual offender. If the applicant is released on bail, he may commit another serious crimes and may pressurize the prosecution witnesses.

8. I have perused the charge-sheet, it shows that the applicant had assaulted the informant by means of slaps and blows and abused him. Further when the mother of informant tried to convince the applicant, he assaulted on her person by means of

sword and caused her serious injury. Thereafter, the applicant scuffled with the father of informant and also committed his murder. The investigating officer has recorded statements of several witnesses.

9. There is prima-facie evidence against the applicant accused to connect him with the murder of deceased. Prima-facie involvement of applicant in commission of crime is made out from the record produced before this Court. The co-accused was released by the Hon'ble High Court observing that the accused no. 2 was simply shown present with applicant i.e. main accused. Therefore, the applicant cannot claim his release on bail on the ground of parity. There are as many as 08 crimes registered against the applicant from out of which Crime No. 59/2018 of Police Station, Mudkhed, District Nanded is for the offence punishable under Section 302 of the IPC.

10. Considering the gravity of the offence, prima-facie involvement of applicant in commission of crime, criminal antecedents of the applicant and the possibility of tampering with the prosecution witnesses, I am of the opinion that applicant is not entitled for bail. In the result, I pass the following order:

ORDER

1] The application is rejected.

Date : 22.06.2023

(R.R.Patwari)
Addl. Sessions Judge-3,
Nanded.

Certificate

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

Name of Stenographer	:-	Anand P. Deshmukh Stenographer G. 2
Court name	:-	Addl. Sessions Judge-3,Nanded.
Date	:-	22.06.2023
Judgment signed by		
Presiding officer on	:-	27.06.2023
Judgment uploaded on	:-	27.06.2023

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