

ORDER BELOW EXH.43 IN SPECIAL CASE NO. 94 of 2021

- 1- This is an application on behalf of accused No.1 Pintu Ambadas Shinde and No.4 Raju Ambadas Shinde for 15 days interim bail to attain further religious function of their deceased mother, who died on 08.11.2022 at village Mandava, Tq. Washi, Dist. Osmanabad.
- 2- This application is supported with affidavit (Exh.44) of Sanjay Ambadas Shinde, who is the brother of accused.
- 3- It is submitted that after the death of their mother, their father became sad and suffering from illness. Therefore, to meet the father and to perform further religious function of their deceased mother, they may be released on interim bail for the 15 days.
- 4- Prosecution has contented the application by filing say on it vide Exh.45. It has denied all contention in the application and prayed to reject the application.
- 5- Heard Ld. Adv. Shri. B.R. Mane for accused. But nobody present on behalf of prosecution.
- 6- Considering facts it is noted that accused no.1 and 4 are the real brothers. They are in jail from the date of their arrest. Their bail applications came to be rejected by this court on merit. They are facing trial for the offences punishable under section 8 (c), 20 (b) (ii) (c) & 29 of N.D.P.S. Act. These offences are antisocial offences.
- 7- The mother of accused had died on 08.11.2022 due to heart-attack at Mandava, Tq. Washi. Her funeral ceremony performed

on 09.11.2022 at Mandava. In view of order below Exh.40 dated 08.11.2022, both accused were permitted to attend said funeral at village Mandava in between 9.30 a.m. to 1.30 p.m. in police bandobast on the ground of humanity. Accordingly, they had attended said funeral.

8- Now the grounds raised in this application are not sufficient to release them on interim bail for 15 days. Because they have already attended funeral of their mother on 09.11.2022. It is not proper to release them for each ceremony of funeral. Their father and brother Sanjay Shinde can perform further funeral ceremonies. The illness and old age of their father is also not a ground for interim bail. Their bail applications under section 439 of Cr.P.C. already rejected on merit. The I.O. has collected direct as well circumstantial evidence showing their involvement in the crime. On this background I do not find any substance in this application to release them on interim bail. Hence, I proceed to pass following order.

ORDER

Application Exh.43 for interim bail is hereby rejected.

Date: 17-11-2022

Sd/-
(V.G. Mohite)
Special Judge,
N.D.P.S. Court, Osmanabad

C E R T I F I C A T E

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

Name of Stenographer	M.A.Pawar (Grade-I)
Name of Court	District & Sessions Court-2, Osmanabad and MACT, Osmanabad.
Date of order/Judgment	17/11/2022
Date of order/judgment signed by presiding officer.	17/11/2022
Judgment/Order uploaded on	17/11/2022