

CNR No MHOS050000612023

Order passed below Bail Application Exh.8 in Sessions Case No.1/2023

- Applicant. 1 Rajendra Maruti Lale,
Age 28 yrs, Occ. Agri,
R/o. Koral Tq. Omerga
Dist. Osmanabad
- 2 Shardabai Maruti Lale,
Age 50 yrs, Occ. Agri,
R/o as above.

Vs-
State of Maharashtra.
(Through AGP, Omerga)

Charge: U/Sec. 304(B) 306, 323,498(A), 34 of I.P.C.

Crime No.255/2022 police station, Murum

This is an application for regular bail.

2. The case of the applicant in short is as under:-

Applicants are having two small kids. They shoulder the responsibility to maintain the children. There are nobody in their family to look after the children. Children are taking education. Love and affection of the applicants are necessary for their children. Keeping applicants behind bar will adversely affect the education of their children. Applicants are daily laborers. The allegations are false imaginary and concocted. Victim was insisting on residing separately in Omerga. Therefore she was raising quarrel on minor trifling grounds. Her mother and father and accused persons on several occasion gave her understanding. Applicants are permanent resident of village Koral Tq. Omerga. They possesses immovable property. There is no criminal antecedent against them. They will not tamper

with prosecution witnesses. Investigation is completed. Chargeheet is also filed. Hence, they prayed for released on bail.

3. I.O. filed the say at Exh.9. Learned APP adopted the same. Application is resisted on the ground of tampering the witnesses, in case they released on bail.

4. On the basis of material on record following points arise for my consideration together with my findings thereon for the reasons to be followed hereinafter, are as under-

<u>Points</u>	<u>Findings</u>
1 Whether applicant is entitled to be released on regular bail?	-In the affirmative.
2 What order?	- As per final order.

REASONS

As to point No.1:-

5. Heard learned APP. Perused application.

6. Admitted investigation is completed. Chargesheet is also filed. The case is committed in the court of sessions bearing sessions case No.1/2023. Charge Exh.4 is recorded on 4.2.2023. The proceeding itself shows that applicants are permanent resident of village Koral. It is not disputed that the applicant possesses the immovable property. It is also not disputed that the applicants are having two small kids. Their children are taking education. There are no body in their family to maintain the children. Earlier bail application granted by this court is cancelled on the ground that the bail application is not speaking and on the other grounds by the High Court. Hence this fresh bail application is submitted by the accused. This court is flooded with so

many cases. Even the case of under trial prisoners requires two to three years for completion. Under such circumstances, the completion of trial in near future is not possible. Keeping mother and father of the children in the jail will adversely affect up bringing, and education of the children. It is well establish principle of law that accused are presume to be innocent unless and until proved guilty. Denial of bail will amount to pre trial conviction. Jail is exception and bail is rule. The presence of the accused can be secured at the trial. There is no possibility of accused being flee away from the course of justice.

7 The learned advocate Suryawanshi appeared for defacto complainant. Defacto complainant filed affidavit Exh.12 thereby resisting the bail application. In the application he stated that the children are in custody of his father by order of the court. Applicants are of Gundas. They will pressurize the witnesses. He will suffer mental harassment. It is not brought on record that the applicants had misused the liberty granted to applicant. However in the say of I.O. there is nothing to show that the previous crimes are registered against them. Even considering that the children of the victim are with father of the defacto complainant bail needs to be granted. At the same time some conditions are needs to be imposed to secure their presence at the time of trial, not tampering with the witnesses etc. Hence,, point no.1 is answered in the affirmative.

Hence, this court proceed to pass the following order.

ORDER

- i Application Exh.8 is hereby allowed.
- ii Each applicant/accused shall be released on their executing PR bond of Rs.15,000/- each with one surety like amount.

iii Applicant accused shall produce the documents showing the immovable property like 7/12 extract, list of assessment etc.

iv They shall attend police station Murum once in a month i.e. on Every first Monday till conclusion of the trial.

v They shall not tamper with the prosecution witnesses or evidence.

Sd/-

Date.25.7.2023.

(D.K.Anbhule)
Addl.Sessions Judge,Omerga

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		C.P.Patil
Court		Shri.D.K.Anbhule Addl.Sessions Judge,Omerga
Date		25-07-2023
Order signed by the Presiding officer on		25-07-2023
Order uploaded on	...	25-07-2023