

CNR No. MHPA010001102025 	Session Case No. 6/2025
	Angad Hiwale V/s The State

ORDER BELOW EXHIBIT NO. 13(Passed on 8th April, 2025)

This is an successive bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita for regular bail, in Crime No.520/2024 under Section 103, 109, 189(2), 191(2), 191(3), 190, 115(2), 352 and 351(2) of Bharatiya Nyaya Sanhita, registered with Police Station, Pathri.

2- It is the case of prosecution that informant Dhondabai Hiwale in her oral report stated that her son Ramesh is Vice-Sarpanch of village Dogargaon. She along with her son, daughter-in-law, grandson and grand daughter are residing jointly. Since one month, the wife and children of her son went to Wadi, Tq.Majalgaon at her parental house. On 08/10/2024 at about 06.00 pm, while she herself and her son Ramesh in their house, at that time, one Aniket Hiwale was moving the iron pole having flag of Annabhau Sathe. Therefore, her son Ramesh asked Aniket why he is moving the flag, it will be bent. At that time, Aniket replied her son that whether flag is of his father and Aniket went to his house by running. Thereafter, immediately Angad Hiwale with iron rod, Mahadev Hiwale with chain of motorcycle, Aniket Hiwale, Rukhmin Hiwale and Anita Hiwale rushed to her house by giving abuses. At that time, on the road in front of her house, Mahadev Hiwale gave blow of chain of motorcycle on thighs of both the leg, Akash Hiwale, Aniket Hiwale have assaulted her son by fists and kicks, Angad Hiwale gave threats to kill her son, Ramesh Hiwale with intention to kill her son gave blow of iron rod on his head and thereby caused grievous injury to her son Ramesh. Her son Ramesh fell on the ground. He went to separate the quarrel. At that time,

Rukhmin Hiwale and Anita Hiwale have assaulted her by slaps. Rukhmin hold her heir and fell her on the ground. After hearing noise of quarrel, Damu Hiwale, Rambhau Hiwale, Datta Hiwale have separated the quarrel. Thereafter, they took her son to Civil Hospital, Pathri and thereafter, they took her son to Parvati Ambhore Hospital, Parbhani. Her son Ramesh is taking treatment.

3- The applicant submitted that there is delay of one day in lodging the report. He is falsely implicated in this case. The applicant is arrested on 11/10/2024 and his police custody was sought on 12/10/2024 to 15/10/2024. Since thereafter the applicant is in Magisterial custody. Earlier bail application of the applicant came to be rejected on the ground that, investigation is in progress. In this crime investigation is completed and charge-sheet came to be filed on 13/01/2025. Thereafter, the injured Ramesh Hiwale died on 12/01/2025, therefore, section 103 of B.N.S. is added in this crime. The applicant is Karta of and sole earning of the family. His father is old aged of 80 years. The remaining accused came to be released on bail by the Hon'ble Sessions Court. There is no direct or indirect evidence against the applicant. He is ready to abide all the conditions imposed by the Court. Hence, applicant prayed that he be released on bail.

4- A.P.P. for the State has resisted this application by filing reply (Exh.14) on the ground that the offence is serious in nature. There is sufficient evidence against the applicant. This applicant gave blow of iron rod on the head of deceased Ramesh and he sustained grievous injury on his head and he fell down on the spot of incident. The injured Ramesh after his statement sent to his house in unconscious condition and he never got consciousness and lastly he died on 12/01/2025. The cause of death of Ramesh was due to septicemia in an operated case of head injury. If the applicant is released on bail, he will commit more serious offence.

against the person of the informant, there is danger to the life of the informant. If the applicant is released on bail, there is possibility of committing such type of crime again and tampering to the prosecution witnesses and he will not remain present before the Court. Hence, lastly on these grounds, A.P.P. for the State prayed that application be rejected.

5- Perused application, entire papers and say. Heard learned counsel for applicant/accused and learned A.P.P. for the State.

6- Upon going through the FIR and case papers, it reveals that, earlier this applicant has moved application for bail and his application came to be rejected on the ground that investigation was in progress. Now the charge-sheet came to be filed, therefore, this successive application is moved which is maintainable as circumstances have been changed due to filing of the charge-sheet and completion of the investigation.

7- Charge-sheet reveals that there are allegations against this applicant that he has assaulted the son of the informant by means of iron rod on his head and he has threatened the deceased to kill him. Earlier, offence under section 109 of B.N.S. etc. was registered against the applicant and co-accused. However, after committal of charge-sheet by J.M.F.C., Pathri, injured Ramesh died and Section 103 of B.N.S. came to be added in this crime. The postmortem report reveals that deceased Ramesh has sustained injuries over his head. The cause of is due to septicemia in an operative case of head injury. Upon going through the allegations made in FIR against this applicant, it appears that this applicant had only given blow of iron rod on the head of the deceased Ramesh. No doubt, the injuries on the head of deceased of theriomorphic but this applicant has caused said injuries to the deceased on the head before his operation. The offence under section 103 of B.N.S. is serious in nature, and is punishable with death or imprisonment for life. Hence, considering the role of the

applicant in this crime, the nature of offence and punishment prescribed for the said offence, and there is possibility of tampering to the prosecution witnesses, it would not be just and proper to release the applicant on bail. So far as co-accused, who are released on bail is concerned, they have not assaulted the deceased on his head, hence, considering role of this applicant and role of co-accused, this applicant is not entitled to be released on bail on the rule of parity. Hence, on these reasons and in the light of above discussion, applicant is not entitled to be released on bail, hence, application is liable to be rejected and I proceed to pass the following order.

ORDER

Application Exh.13 is hereby rejected.

[Dictated and pronounced in open Court]

Date : 08/04/2025.

[N. G. Satpute]
Additional Sessions Judge-3,
Parbhani.