

CNR-MHPU01-001478-2023

Sessions Case No.235/2023.
State V/s. Sagar Naidu

Order passed below application Exh.4 for grant of bail under
Section 439 of Cr. P. C.
(Passed on this 28th day of December, 2023)

Vide the present application under Section 439 of the Code of Criminal Procedure, the accused sought for regular bail in Crime No.196/2022 registered with Police Station Samarth, Pune for the offences punishable under Sections 307 & 504 of the Indian Penal Code, Section 7 of Criminal Law Amendment Act, Sections 4 r/w. 25 of Arms Act and Sections 37(1) (3) r/w.135 of Maharashtra Police Act.

2. Perused the application and say of Ld. A. P. P. on it, and investigation papers including charge-sheet.

3. Heard, Learned Advocate Mr. S. I. Pardeshi for accused and Learned A. P. P. Mrs. Leena Pathak for the State.

4. Brief facts of the prosecution case is as under,
Alleged incident took place on 6.11.2022 at Mangalwar Peth, Pune. On the day of incident, the accused created a terror on the spot by moving the long sickle in air and he has beaten on rear side of head, right ear, right eyebrow, leg & left rib to the informant/injured with a wooden stalk and thereby attempted to kill him. Charge-sheet came to be filed against the accused after the completion of investigation.

5. Ld. Advocate for the accused has argued that accused has been falsely implicated. Informant/injured was discharged from hospital on the same day of incident. The accused is in custody since more than one year. Investigation has been completed being charge-sheet is filed. He has prayed for the grant of regular bail to the accused subject to conditions.

6. Ld. A. P. P. has opposed the application. She has argued that accused has assaulted the informant/injured and caused simple & grievous injuries to him. She has prayed for rejection of bail application.

7. Considering the submissions of both the sides and on perusal of the investigation papers in the charge-sheet including the statement of the informant/injured, it transpire that the on the day of incident, the accused had moved the long sickle in air to create the terror on the spot and he has allegedly assaulted with wooden stalk on the head, right ear, right eyebrow, left rib & leg, to the informant/injured and caused simple & grievous injury to him. As per the medical papers, informant has sustained the fracture of right nasal bone. Investigating officer has recovered the long sickle and wooden stalk. Investigation has been completed being the charge-sheet is filed. It is a matter of evidence as to whether offence punishable under Section 307 of I. P. C. is attracted against the accused or not.

8. Accused is under detention since 7.11.2022 i.e. since more than 13 months. Trial will take the considerable time to

complete the same. No purpose would be served by detaining the accused further. So far as apprehension raised by the investigating officer is concerned, same can be served by imposing the conditions.

9. Considering the nature of offences, role attributed to accused, filing of charge-sheet, period of his detention and facts & circumstances of case, he deserves to be enlarged on bail subject to conditions. In result, application vide Exh.4 for grant of bail is liable to be allowed and I proceed to pass the following order.

ORDER

1. Application vide Exh.4 for grant of regular bail is hereby allowed.
2. Accused Sagar Bhujang Naidu, R/o. Mangalwar Peth, Pune, arrested in Crime No.196/2022 registered with Police Station Samarth, Pune for the offences punishable under Sections 307 & 504 of the Indian Penal Code, Section 7 of the Criminal Law Amendment Act, Sections 4 r/w. 25 of Arms Act and Sections 37(1) (3) r/w.135 of Maharashtra Police Act, be enlarged on bail on execution of P. R. Bond of Rs.50,000/- and Surety Bond of like amount with one or two sureties on following conditions.
 - i] Accused shall not contact the informant/injured. He shall not pressurise or threaten the informant and witnesses in any mode or manner till the conclusion of trial.
 - ii] Accused shall attend the Court proceeding on due dates.

Pune.
Date : 28.12.2023

(D. P. Ragit)
Additional Sessions Judge-13,
Pune.

CERTIFICATE

I affirm that the contents of PDF file Judgment are same word for word as per original Judgment.

Name of Steno : M. B. Bahirwal, Steno (Grade-III)

Court name : Shri. D. P. Ragit
District Judge-13 and
Additional Sessions Judge,
Shivajinagar, Pune.

Date : 28/12/2023

Order signed by : 28/12/2023
Presiding Officer on

Order uploaded on : 30/12/2023