

Order below Exh.02
in Sessions Case No.541 of 2017

Kiran Mahendra Sonawane
Vs
State of Maharashtra
[Through : Haveli Police Station]

01] By filing this successive bail application, the present applicant-accused Kiran Mahendra Sonawane has claimed bail u/s 439 of Cr.P.C. in C.R. No.146 of 2017 registered at Haveli Police Station for having committed the offences punishable u/s 143, 147, 148, 427, 324 and 307 r/w 149 of IPC and u/s 3(25) of Arms Act.

02] It is case of prosecution that on 16/04/2017 at about 11.30 p.m. at village Khadakwasala, Taluka – Haveli, District – Pune the First Informant Pratik Anil Mate as well as his friends Mahesh Mate, Aditya Mate, Sanket Mate and Atul Pawar were assaulted with iron rods, sickles and fist blows and kicks by accused Chetan Liman and others.

03] As per F.I.R. lodged by First Informant Pratik Mate afore-mentioned offences came to be registered against the present applicant-accused and other co-accused vide C.R. No.146 of 2017 at Haveli Police Station and investigation commenced. During investigation, the present applicant-accused was arrested.

04] The present applicant-accused has claimed bail on the following grounds.

a] The applicant-accused has not committed any offence much less the offence alleged to have been committed by him.

b] Two accused in this case have been released on bail by the Hon'ble Bombay High Court and four accused have been released on bail by this Hon'ble Sessions Court. Therefore, principle of parity is very well attracted in the present case.

c] Nothing incriminating has to be recovered or discovered at the instance of the applicant-accused.

d] The applicant-accused has been falsely implicated in this case.

05] The Respondent-Prosecution by filing Reply below the said application resisted the same.

06] Heard both the parties. The other co-accused who used weapon viz. namely sickle and revolver, have been enlarged on bail by Hon'ble Bombay High Court. The role attributed to the present applicant-accused that he assaulted

First Informant with iron rod. Earlier bail application was rejected. Now this second bail application is filed. Though charge-sheet is filed, considering large pendency of the cases, this matter would not come for final hearing in near future. In the circumstances, if the applicant-accused is released on bail by imposing stringent conditions, no prejudice would be caused to the prosecution. His presence could be secured by imposing conditions. Therefore, the present applicant-accused is entitled for bail. Hence, the application deserves to be allowed. Therefore, I pass the following order.

ORDER

01] The application is hereby allowed.

02] The applicant-accused Kiran Mahendra Sonawane shall be released on furnishing P.R. Bond of Rs.25,000/- [Rupees Twenty Five Thousand Only] with one or two solvent sureties in the like amount.

03] The applicant-accused shall not tamper with prosecution evidence.

04] The applicant-accused shall attend Haveli Police Station on every Wednesday in between 11.00 a.m. to 11.30 a.m. till final disposal of the case.

05] The applicant-accused shall not leave Pune District without prior permission of this Court, till final disposal of the case.

06] The applicant-accused shall furnish his fresh residential address to concern Police Station and to this Court in case he change present address.

07] The applicant-accused shall not enter into locality where First Informant reside and work, till final disposal of the case.

08] The applicant-accused shall not commit similar or any other offence till final disposal of the case.

Pronounced in open Court.

Date : 13/10/2017
Place : Pune.

Sd/-xxx
(Dilip G. Murumkar)
Addl. Sessions Judge,
[C.R.No.4], Pune.

[5]

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CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of Steno : G. M. Patil [H.G.]

Court Name : Shri. Dilip G. Murumkar,
Addl. Sessions Judge,
[C.R.No.4], Pune.

Date of Order : 13/10/2017

Order signed by
P.O. on : 13/10/2017

Order uploaded on : 17/10/2017