



Sessions Case No.659/2023
CNR No. MHPU010103062023
(State of Maharashtra Vs. Sunny Salunkhe)
ORDER BELOW EXH.12

This is an application for regular bail under section 439 of Code of Criminal Procedure on behalf of accused **Sunny Sunil Salunkhe** in connection with C. R. No. 61/2023 for the offences punishable under sections 307, 323, 504 read with section 34 of the Indian Penal Code, under section 4(25) of the Arms Act and under sections 37(1)(3) r. w. 135 of Maharashtra Police Act, registered at Shivajinagar Police Station.

2] According to applicant, his previous bail application was rejected when investigation was in progress. Now, after completion of investigation, charge-sheet is submitted. Co-accused Raj Sunil Salunkhe was already released on bail. In fact, except recovery of sickle, without blood stains from the applicant, there is no other strong prima-facie case against applicant. Further there is delay of one day in filing FIR. The eye witnesses are interested witnesses. Therefore, it is prayed to release the applicant on bail.

3] Application is strongly opposed by prosecution with submission that there are no change in circumstances so as to release the applicant on bail. Further there is no strong prima-facie case against the applicant. Trial of the case would be commenced and therefore, under such circumstances, it would not

be proper to release the applicant on bail, otherwise, he will tamper prosecution witnesses and create hurdles in the fair trial of he case.

4] Original complainant by filing say at Exh. 16 strongly opposed the application stating that, if applicant is released on bail, then, again he may repeat the same crime and possibility of applicant to make attack upon him can not be ruled out. Therefore, it may not be proper to release the applicant on bail.

5] I have heard arguments of both parties and also gone through say submitted on behalf of original complainant and the documents submitted by him.

6] Admittedly, previous bail application filed by this applicant was rejected, when investigation was in progress. Now, charge-sheet has been submitted and co-accused has been released on bail. Therefore, in my view, these circumstances can be taken as change in circumstances so as to entertain present bail application. No doubt, as per allegations, the role of this applicant appears to be somewhat serious, but, considering the fact that, since 16.03.2023, applicant is behind the bars. So also, weapon recovered from the applicant are from open space and that too without blood stains. No doubt, injury sustained to informant is on his vital part but it can not be ignored that, he has been discharged long back and there is no danger to his life. So, considering all

these circumstances and the fact that the case being recent, there is no likelihood of commencement of trial very soon. So, all these circumstances allow this Court to use discretion so as to release the applicant on bail. In the result, following order is passed.

ORDER

- 1] Application (Exh. 12) is allowed.
- 2] Applicant **Sunny Sunil Salunkhe** be released on bail on executing P. R. Bond of Rs. 30,000/- with surety of like amount in connection with C. R. No. 61/2023 for the offences punishable under sections 307, 323, 504 read with section 34 of the Indian Penal Code, under section 4(25) of the Arms Act and under sections 37(1)(3) r. w. 135 of Maharashtra Police Act, registered at Shivajinagar Police Station on following terms and conditions :-
 - (a) He shall not pressurize prosecution witnesses and create hurdles in the fair trial of the case.
 - (b) He shall mark his regular attendance before Trial Court on each and every date, till conclusion of trial.
 - (c) If the applicant has committed any single default in attending the Trial Court, then this bail order will stand cancelled

automatically without making further reference.

Pune.
Date : 16.09.2023

(Sunil G. Vedpathak)
Additional Sessions Judge,
Pune.

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

Name of Steno	Mrs.C.N.Jagtap
Court Name	Sunil G. Vedpathak Additional Sessions Judge, Pune
Date	16.09.2023
Order signed by Presiding Officer on	16.09.2023
Order uploaded & PDF on	18.09.2023

