

ORDER BELOW EXH. 16 IN SESSIONS CASE NO. 803/2017

(CNR NO.MHPU01-014181-2017)

1] By filing this application under Section 439 of the Code of Criminal Procedure, the applicant accused requested to release him on regular bail in connection with crime no. 297/2017 registered with Warje Malwadi police station for the offence punishable under Section 141, 143, 144, 148, 149, 326, 307, 504, 506 of the Indian Penal Code and under section 4(25) of the Arms Act and 37(1)(135) of the Bombay Police Act.

2] Briefly stated the prosecution case is that -

The complainant Nitin Genbhau Sangale made his statement dated 31.07.2017 on the allegation that on 29.07.2017 he has attended the Court for his case. Akash Kalekar, Vikas Sirsat, Dady Kalekar has met and gave threats that his friend Bablu Khatape has initiated false case against them and they told that they will see him. On the same day at evening time, Dadya Kalekar gave me phone call and abused him and told that तुला मस्ती आली का. Thereafter on 30.7.2007 at about 8.30 p.m. the complainant was in his saloon shop that time Dada Kalekar gave a sickle blow on the glass of the shop and broken it. Ganesh Wanjale, Pandurang Wanjale, Vikas Shirsat snatched the complainant from the shop and taken him out of the shop. The accused Ganesh Wanjale has assaulted by a sickle on his head, Vikas Shirsat assaulted by sickle and the present applicant Pandurang Wanjale has assaulted by stone on his back. The accused Dada Kalekar has stabbed the weapon on his back. Akash Kalekar and Vicky Kalekar has given a blow of sickle, due to that he received serious injuries. On his statement the crime has been registered.

3] It is submitted that the applicant has no way concern or connected with the crime. The applicant has very limited role, as it is

alleged that he has assaulted by fist and kick blows. There is no any recovery or discovery of any weapon. He is permanent resident of given place. He is ready to attend each and every date in the Court. Lastly he prayed to release him on bail.

4] In response to the notice, the prosecution has resisted the application by filing reply thereon, contending inter alia that the offence is very serious, the name of the accused is in the FIR and it reveals the presence and role of the accused. The possibility cannot be ruled out that the accused will pressurize the prosecution witnesses.

5] Heard the learned counsel for the applicant and the learned APP for the prosecution. Read the case papers and the FIR. It reveals that the complainant Nitin Genbhau Sangale made his statement dated 31.07.2017 on the allegation that on 29.07.2017 he has attended the Court for his case. Akash Kalekar, Vikas Shirsat, Dadya Kalekar has met and gave threats that his friend Bablu Khatape has initiated false case gainst them and they told that they will see him. On the same day at evening time, Dadya Kalekar gave me phone call and abused him and told that तुला मस्ती आली का. Thereafter on 30.7.2007 at abut 8.30 p.m. the complainant was in his saloon shop that time Dada Kalekar gave a sickle blow on the glass of the shop and broken it. Ganesh Wanjale, Pandurang Wanjale, Vikas Shirsat snatched the complainant from the shop and taken him out of the shop. The accused Ganesh Wanjale has assaulted by a sickle on his head, Vikas Shirsat assaulted by sickle and the present applicant Pandurang Wanjale has assaulted by stone on his back. The accused Dada Kalekar has stabbed the weapon on his back. Akash Kalekar and Vicky Kalekar has given a blow of sickle, due to that he received serious injuries. On his statement the crime has been registered.

6] On going through the rival submissions, it appears that the investigation has been completed. The chargesheet have been produced

by the IO. The role attributed to the applicant is limited. By keeping the applicant behind the bars, the purpose will not suffice. There is change in the circumstances. On the contrary so far as pressurizing the complainant and the witnesses is concerned, by imposing certain conditions the purpose will suffice. So the applicant is entitled to be released on bail.

7] In the light of above observations, it appears that the application deserves to be allowed. In the result, I pass the following order :

ORDER

1. The application Exh.16 is hereby allowed.
2. The applicant Sachin @ Kalya Ankush Yenpure be release on regular bail on execution of PR bond of Rs.30,000/- with one or two solvent sureties in the like amount on a following condition:
3. He shall attend the Court on each and every date in the Court.
4. He shall not tamper, hamper the prosecution evidence.

Sd/-

Pune :
Date : 07.02.2018

(V.K.Kadam)
Additional Sessions Judge,Pune.