

Sessions Case No.803/2017

(CNR NO.MHPU01-014181-2017)

ORDER BELOW EXH.22

1] By filing this application under Section 439 of the Code of Criminal Procedure, the applicant accused Ganesh Vilas Wanjale requested to release him on regular bail, in connection with Crime No.297/2017 registered with Warje Malwadi police station, for the offences punishable under Sections 141, 143, 144, 148, 149, 326, 307, 504, 506 of IPC and under Section 4(25) of the Arms Act and 37(1) r/w. 135 of the B.P.Act.

2] Briefly stated the prosecution case is that the complainant Nitin Genbhau Sangale made his statement dated 31/7/2017 on the allegation that on 29/7/2017 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 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 Wangjale 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 gave a sickle blow due to that he received the serious injuries. On his statement the crime has been registered.

3] It is submitted that the applicant has not committed any offence, but he has been falsely implicated in the crime. The Co-accused

Sunil Gunjal has already been released on anticipatory bail. Investigation of the crime is completed and charge sheet is filed. There is no question of tampering, hampering of the witnesses. Applicant is permanent resident of given address. He is ready and willing to cooperate police and furnish surety in the Court. Lastly prayed to release him on bail.

4] In response to the notice, the prosecution resisted the application by filing say thereon contending interalia that the offence is very serious in nature. Name of the accused are in FIR. Role of the accused is revealed in the chargesheet. The applicant accused has assaulted the complainant with sickle. There is overtact by the accused. The discovery and recovery made from this accused. If released on bail, there is possibility of pressurizing the witnesses. Lastly prayed to dismiss the application.

5] Heard learned counsel for the applicant and Smt. Deshmukh APP for the prosecution. Read the case papers and the FIR. It reveals that the complainant Nitin Genbhau Sangale made his statement dated 31/7/2017 on the allegation that on 29/7/2017 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 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 Wangjale 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 gave a sickle blow due to that he received the serious injuries. On his statement the crime has been registered.

6] On going through the rival submissions it appears that there is no antecedents against the applicant. Chargesheet is presented. There is limited role of this applicant in crime. So far as pressurizing the witnesses and tampering of the prosecution evidence is concerned, by imposing certain conditions, the purpose will suffice. No purpose will suffice by keeping the accused applicant behind the bars.

7] In the light of above observation it appears that the application is deserved to be allowed. In the result, I proceed to pass the following order.

ORDER

1] The application is allowed on the following conditions.

2] The applicant Ganesh Vilas Wanjale, in conection with CR No. 297/2017 registered with Warje Malwadi police station, be released on regular bail on furnishing PR bond of Rs. 30,000/- with one or two solvent sureties in the like amount.

3] He shall not tamper, hamper the prosecution evidence.

4] He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

5] Bail before this Court.

(V.K.Kadam)

Date: 04.04.2018

Additional Sessions Judge, Pune.