

ORDER BELOW EXH.4 IN SESSIONS CASE NO.:773/2021

1] This is an application filed by the applicant/accused Sanjay Haibati Aalgude under Section 439 of the Code of Criminal Procedure for regular bail in Crime No. 396/2019 registered with Rajgad Police Station punishable under Sections 302 of the Indian Penal Code and section 4 r/w 25 of the Arms Act.

2] The prosecution story briefly stated as under:-

The complainant- Anil Kisan Aalgude came in police station and lodged report against the accused, alleging that he is residing along with his family members and also to do the work of driver on a tempo of Dinesh Namdeo Dhumal. Applicant/accused is his cousin brother and residing near his house and he used to drink liquor. The wife of applicant/accused by name Rekha have left his house and residing her maiden place at Garade Taluka Purandhar. Applicant/accused has doubt on his family members that they have misguided her wife and therefore, she left his home. Due to such reasons, applicant/accused used to abuse the complainant and his family members. On 15/12/2019 at about 9.30 a.m. he was present in Balajinagar, Pune. One Sagar Laxman Dhumal has made phone call to him from his village. His brother Sunil was standing near the house of Police-Patil, applicant/accused assaulted him with the iron sickle on his head when Sunil fell on the ground then, again assaulted him with wooden rod. Some villagers referred him in a hospital at Bhore but Sunil is expired before treatment. Hence, this report.

3] The Ld. Counsel for the accused submitted that, the applicant/accused has not committed such offence and is falsely

implicated in this crime. The investigation is completed and charge-sheet has been filed on 07/03/2020. The applicant is permanent resident on the above address. The applicant/accused is only earning member in his family. Applicant/accused is ready to co-operate the police authority. Hence, prayed to allow the application.

4] The Ld. APP strongly opposed the application and submitted that the nature of the offence is serious one. The charge under section 302 of Indian Penal Code is registered against the applicant/accused which is punishable death or life imprisonment. The prima facie case is made out against the applicant/accused. There are eye witnesses and in their presence the applicant/accused has committed such offence. The medical report also shows that deceased person is expired due to the head injury. The applicant/accused assaulted the deceased with the sickle and when he fell on the ground, then, again assaulted with the wooden rod. Hence, prayed to reject the bail application.

5] Having regard to the facts and circumstances and after carefully gone through the record and arguments of both side it appears that, the offence under section 302 of Indian Penal Code is registered against applicant/accused. It is admitted fact that applicant accused is cousin brother of the complainant and deceased and was residing near their house. The applicant/accused was having suspect against the complainant and his family in respect of the misguided his wife and therefore, she left his home and residing at her maiden place. Due to such reason the applicant/accused was abusing the complainant and his family members. On the day of alleged incident the complainant was present at Pune while he received information from his village that his

brother Sunil Aalgude was standing near the house of Police -Patil while accused came there and assaulted him with the sickle on his head when he fell on the ground then again assaulted with the wooden rod who was referred in the hospital by the villagers but Sunil was expired before treatment. It is admitted fact that investigation is over and charge-sheet is also filed against the accused in court. After carefully gone through the entire records and statements of the witnesses it noticed that there is prima faice proof against the accused on record. There are eye witnesses, in their presence alleged incident occurred. Medical report also showing that Sanjay died due to the head injury. The nature of the offence is very serious. If the applicant/accused is released on bail, there is danger to the life of complainant and his family members and possibility of committing any cognizable offence. Considering the above all facts and circumstances and gravity of the alleged crime I am not inclined to release the applicant/accused on regular bail. Hence, I proceed to pass the following order:

-: ORDER :-

1.	Application of the applicant/accused Sanjay Haibati Aalgude is rejected.
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Date : 06/03/2023

(G. P. Shirsat)
Addl. Sessions Judge, Pune.

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	:- Bharati D. Gaikwad , Stenographer (Grade-I),
Court Name	:- G.P. Shirsat Ad-hoc District Judge-1 & Addl. Sessions Judge, Pune.
Date of Judgment	:- 06/03/2023
Judgment signed by presiding officer on	:- 06/03/2023
Judgment uploaded on	:- 08/03/2023