

ORDER BELOW EXH. 22

The second bail application is filed by the applicant/accused **Sanjay Haibati Algude** to release him on bail under Section **439** of Cr.PC, in connection with **Crime No.396/2019** registered with **Rajgad** Police Station under Sections **302 of IPC and Section 4(25) of Arms Act.**

2. Subsequent to the application say of I.O. is called for. The I.O. has given his say on 18.08.2025 vide Exh.25 and objected this application.

3. Heard learned advocate for the applicant accused and learned A.P.P for the State.

4. Perused the documents on record.

5. Taking into consideration prevailing circumstances in the case in hand, following points arose for my determination. I have given findings with reasons thereon as under.

P O I N T S**F I N D I N G S**

1 Whether it is just and proper to release the accused on bail as prayed for?

Yes.

2 What order?

As per following order.

R E A S O N S**AS TO POINT NOS. 1 & 2 :**

6. It appears that the accused is pressing this application for his release on regular bail on the several grounds like that he has not committed any offense as alleged. The investigation has been

completed and charge-sheet is filed on 07.03.2020. He assured that he will abide by the terms and conditions, if he released him on bail. He is ready to keep himself available for the purpose of trial. On and such grounds he is seeking for bail.

7. Against this I. O has filed his say and resisted the claim of the accused to release on bail on the grounds that if he is released on bail, he may commit similar type of offence. The incident is taken place out of the suspicion over the conduct of wife of accused. The possibility of tampering the evidence can not be ruled out.

8. The case of prosecution is that 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.

9. On perusal of record, it appears that the alleged incident was taken place on 15.12.2019 and the accused has caused the death of cousin of complainant Anil Kisan Algude on the ground of suspicion that deceased misguided the wife of the complainant, so she left his house. Allegedly the accused has gave a blow sickle over the head of deceased, which is a vital part of body. He succumbed to death due to assault allegedly made by accused. No doubt the serious offence has allegedly committed by the accused by causing death of deceased with the help of dangerous weapon like sickle and wooden rod. According to the prosecution, there is a strong case against the accused, however, the entire case is based on circumstantial evidence. The accused is arrested on 18.12.2019. Since last six years he is behind the bar. It is true that on 30.01.2024 the charge is framed by my Ld. Predecessor and trial is yet to begin. Entire investigation is completed and charge-sheet is filed. It required considerable period to commence and conclude. The Ld. Advocate for the accused is relied on ***Mehmood Mohammed Sayeed Vs. State of Maharashtra decided on 16.02.2001 in (2001) 4 Supreme 435***, the Hon'ble Lordships have pleased to observed that length of custody, completion of investigation and filing of charge-sheet and likely duration of trial are relevant factors for the consideration of bail matters under section 439 of Cr.PC. I think this observation is helpful to the accused as stated earlier since last six years accused is behind the bar, which is yet to be commenced and

concluded. The charge-sheet is filed and charge is framed, but when the trial is not commenced, it would be just and proper to release the accused on certain conditions. So, I answer the aforesaid point in affirmative, and I proceed to pass the following order :-

O R D E R

1. Application is allowed.
2. The applicant/accused **Sanjay Haibati Algude** be released on bail in connection with **C.R.No.396/2019** registered with **Rajgad** Police stations **under Sections 302 of IPC and Section 4(25) of Arms Act** on P.R. Bond of **Rs.50,000/-** and surety in the like amount on following conditions.
3. He shall remain present before trial court on each and every date of hearing.
4. He shall not leave his present residential address without permission of this Court.
5. He shall not tamper and pressurize the prosecution witnesses at any cost in any manner.
6. He shall furnish proof of his residential address and mobile number.

Inform to jail authority by e-mail.

(V. V. Nashikkar)
Additional Sessions Judge,
Pune.

Date : 18.08.2025

CERTIFICATE

“ I affirm that the contents of this PDF file are word to word as per the original order.”

Name of the Steno : A.E. Deshmukh
(Steno Grade II)

Name of the Court : (V. V. Nashikkar)
Additional Sessions Judge, Pune.

Date of Order : 18.08.2025

Order signed by PO : 18.08.2025
on

Order uploaded on : 18.08.2025