

MHPU140001622019



**Session Case No. 8/2019**

State of Maharashtra

Vs.

Ganesh Thombare and Ors.

**ORDER (BELOW EXH.42)**

This bail application has been filed by the Accused, namely, Vishal @ Sampat Kondiba Thombare under Section 439 of the Code of Criminal Procedure in connection with Crime No.455/2018 for the offences punishable under Sections 307, 324, 341, 504 and 506 read with Section 34 of the Indian Penal Code at Baramati Taluka Police Station.

1] The Applicant contended that he has been falsely implicated in the crime. He has not committed any offence. There is substantial delay in lodging the FIR. The victim is out of danger and discharged from the hospital. Call Detailed Record of the informant contradicts the prosecution case. The evidence against the Applicant is very weak. Nothing is to be recovered from him. Therefore, no purpose would be served by keeping him behind bars. It is also necessary to release him in the wake of Corona Pandemic. He has not filed any other bail application. He is ready to abide by the conditions imposed by the court, if he is released on bail. Therefore, the Applicant requested to release him on bail.

2] The Investigating Officer and the learned APP opposed the application vide Exh.46. It is contented that the police visited the house of the victim. He is taking treatment at home. He is not in a condition to speak. Therefore, it is not possible to

record his statement. The injured witness, namely, Rajesh @ Chhotya Babaso Khomane, aged 19 years, R/o Malegaon (Kd), Tal. Baramati, Dist. Pune is not in a position to give his statement. The Applicant and the informant are the residents of the same village. If the Applicant is released on bail, he may pressurize the informant and the witnesses. Therefore, it is prayed for rejection of the application.

3] Heard, the learned **Adv. B.S. Pataskar** for the Applicant, the learned **APP. Smt. S.K. Naik** and the father of the injured. I perused the documents on record. I also perused the written notes of argument at Exh.47 filed by the learned Advocate for the Applicant. The learned Advocate for the Applicant has placed reliance on the case-laws filed below the list at Exh.48.

4] The previous regular bail application at Exh.10 was rejected by this Court vide common Order dated 13-03-2019 passed below the applications at Exh.10 and Exh.12. The informant Babaso Ramchandra Khomane, who is the father of the injured, namely, Rajesh @ Chhotya Babaso Khomane, is the eye-witness of the incident. It is alleged that on 01-09-2018, the Applicant along with other co-accused attacked the injured and caused him serious injuries by means of sickle. They also threatened the informant. The injured sustained serious injuries on backside of his head, forehead, eye-brow and both his hands. The injury certificate dated 06-09-2018 of the injured shows that his four fingers were cut off and he had sustained injury on parieto temporal region. The Applicant and other co-accused assaulted the injured on account of previous dispute. The injured was assaulted in brutal manner. The informant has filed xerox copy of medical certificate dated 07-07-2020 from Pawar Hospital. It reveals that the injured is under treatment of the Doctor in same

condition since last one and half year. The injured is presently bedridden and mentally challenged to perform his basic activities. He is dependent for life survival. This condition of the injured is only due to the assaulting acts of the Applicant and other co-accused. The allegations made against the Applicant are very serious. It appears to the Court that if the Applicant is released on bail, he may commit more serious offence and may tamper with prosecution witnesses. Therefore, completion of investigation does not entitle the Applicant to bail. Hence, I pass the following Order.

**ORDER**

This application at Exh.42 is hereby rejected.

Date :- 08/07/2020

(D.B. Bangde)  
Additional Sessions Judge,  
Baramati.

**CERTIFICATE**

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

Name of Stenographer : R.R. Sherekar (Steno-G1)

Court Name : D.B.Bangde,  
Additional Sessions Judge,  
Baramati, Dist. Pune.

Date of Order : 08.07.2020

Order signed by  
Presiding Officer : 09.07.2020

Order uploaded on : 09.07.2020