

MHPU140031052020



Sessions Case No. 132/2020

Anil Vasant Bhondave

Vs.

State of Maharashtra

ORDER BELOW EXH. 3

This regular bail application has been filed by the applicant-accused under Section 439 of the Code of Criminal Procedure in connection with Crime No. 396/2020 registered for the offence punishable under Sections 302, 307, 342 and 427 of the Indian Penal Code, at Vadgaon Nimbalkar Police Station.

2] The prosecution case in nutshell is as under :-

On 13.08.2020 the informant Maruti Vasant Bhondave while he was taking treatment in Burns ward at Sassoon Hospital, Pune he lodged report contending that his brother Anil Bhondave works as a driver and he is not residing with them since last 8 to 9 years. Prior to two days of the incident he had told his brother not to reside with them. On 12.08.2020 at about 9.00 p.m. when he was sleeping in a tin room and his parents were sleeping in another room, at about 11.30 p.m. his brother Anil Bhondave came there and called him, due to which he woke up. Anil started abusing him and asked him to open the latch but he refused. Therefore, Anil locked the room from outside and started

breaking up the glasses of window. When he was trying to convince him not to do so, Anil threw petrol from the window and also one ignited matchstick. Consequently, his clothes caught fire and he started raising alarms. Therefore, his wife Savita came there and tried to extinguish the fire. During which she also sustained some burn injuries. He has sustained burn injuries over his face, head, chest, stomach, legs and on the back. Thereafter, the neighbouring people gathered, they opened the lock from outside and took him to Moregaon first and from there to Sassoon hospital, Pune for treatment. Hence, the report.

3] The applicant-accused contended that he is innocent. He did not commit any offence. There is no specific role attributed against him. No overt act has been attributed against him. His name has been falsely implicated. There is no active participation by him. There is no direct or circumstantial evidence against him. He is not an habitual offender. He is permanent resident of address mentioned in the title column of the application. He is a young person. Further detention is not required as the investigation has been completed. He is ready to abide by the conditions imposed upon him. Hence, prayed to allow the application.

4] The Investigating Officer and the learned A.P.P. opposed the application by filing say at Exh. 5. It is contended that the offence is serious one. There are eye

witnesses to the incident. There is specific overt act mentioned by the witnesses. If released on bail, applicant-accused may commit similar type of offences, tamper prosecution evidence or may flee away. Hence, prayed for rejection of the application.

5] Ld. A.P.P. for the State also objected the application by filing say on the overleaf of say of the Investigating Officer (Exh. 5). It is submitted that the offence is punishable with death or life imprisonment. There is ample evidence against the accused. Accused and the prosecution witnesses are relatives and family members. If released on bail, applicant-accused may commit similar type of offences, tamper prosecution evidence, pressurize the witnesses or may flee away.

6] Heard learned Advocate Mr. P. N. Dombale for the applicant-accused and learned A.P.P. Mr. S. B. Ohol for the State. I perused the documents on record. It is pertinent to note that the victim has lodged the report while he was under treatment in Burns ward at Sassoon hospital, Pune, later on he succumbed to those injuries and offence is converted into under section 302 of the Indian Penal Code. Statements of witnesses have been recorded. It is seen that there are eye witnesses to the incident. Even the small kids of the deceased are the eye witnesses of the incident. The wife of the deceased has also sustained burn injuries in the said

incident. During the investigation, one vehicle has been seized. Necessary panchnamas were drawn. The seized articles have been sent for chemical analysis to F.S.L. Pune. Further, the statements of the wife and children of the deceased have been recorded under section 164 of the Cr.P.C.

7] It is the admitted fact on record that the accused is brother of the deceased. Hence, the material witnesses are the family members of the accused. Therefore, possibility cannot be ruled out that the accused may pressurize these witnesses. As discussed above, there is prima facie ample evidence available against the accused and hence it will not be proper to allow this application. Hence, the order.

ORDER

Bail application Exh. 3 is rejected.

Date :- 21.04.2022.

(J. P. Darekar)
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 : I. E. Deshmukh
Stenographer (G-1)

Court Name : J.P. Darekar
Additional Sessions Judge,
Baramati, Dist. Pune.

Date of Order : 21.04.2022

Order signed by
Presiding Officer : 21.04.2022

Order uploaded on : 21.04.2022