

State of Maharashtra
Vs.
Jalinder @ Jolly Mohan Kale + 1

: Order below Exh.04 :
(Dated 16th December 2021)

Applicants/accused have taken out an application U/s.439 of the Cr.P.C. for grant of regular bail, in connection with Crime No.487/2021, registered with Baramati Taluka Police Station, for the offences punishable U/Ss.307, 341, 506 R/w.34 of the IPC.

02 FIR 21.08.2021 discloses that, there were some quarrel took place between applicants/accused and informant Ulhas Manohar Ghule wherein applicants accused have threatened to kill him. On 21.08.2021 at about 08.15 Hrs., the informant was commuting on motorcycle, then the applicants/accused restrained him near railway gate and threatened him to kill thereby assaulted by means of sickle on head, back and hand, due to which, informant sustained grievous injuries. He fell on the ground. Then passers by brought him to the hospital. On the same day, he informed the said incident to police. Based on which, CR No. 487/2021 was registered.

03 heard Ld. Advocate for the applicants and Ld. A.P.P. for the State. Read the application and say filed. Perused the charge sheet.

04 Ld. Advocate for the applicants/accused did submit that, the accused are planted in a false case. There is no evidence against the accused to show their complicity in the crime. The injured is already

discharged from the hospital. The investigation is completed followed by charge-sheet. On these amongst other submissions, he prayed to release the accused on bail.

05 On the contrary, Ld. A.P.P. did submit that, offence is serious in nature. From the charge-sheet it reveals that, accused are involved in the present crime. If accused are released on bail, there is possibility of tampering of evidence. With these amongst the other submission, prayed to reject the application.

06 I have gone through the submissions of both the parties. Investigation is completed and charge sheet is filed on record. The applicants accused are in jail from 22.08.2021. The injured is seems to be discharged from the hospital. There appears no reason to keep accused behind the bar. There is no prospectus of trial in near future. There appears no criminal antecedents of accused. They are seems to be residents of Tandulwadi, Tal. Baramati, therefore, their presence is seems to be secured for trial. Therefore, they are entitled to be released on bail. Hence, the order:-

ORDER

01. The application (Exh.04) is allowed.

02. Applicants/accused namely **1. Jalinder @ Jolly Mohan Kale and 2. Akash Kailas Agawane** both R/o- Tandulwadi, Tal. Baramati, in **Crime No. 487/2021** for the offence punishable U/Ss.307, 341, 506 R/w.34 of the IPC, registered with **Baramati Taluka police station**, be released on P.B. of **Rs.50,000/-** each along

with one surety in the like amount, on the conditions that:-

- a) They shall attend the trial on each and every date without fail.
- b) They 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.
- c) They shall not threaten the prosecution witnesses and victim.
- d) They shall furnish their address and contact number.
- e) They shall not indulge in any criminal activities.
- f) They shall not leave India without permission of the Court.
- g) They shall comply with Chapter I paragraphs 1 to 6 of the Criminal Manual 1980. (In view of order of the Hon'ble High Court passed in Criminal Application No.28 of 2010 in Public Interest Litigation No.25 of 2010 on January 29, 2020.

Date : 16.12.2021

(J.A.Shaikh)
Addl. Sessions Judge,
Baramati.

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

Name of Steno.	:-	S.P. Chabukswar
Court Name	:-	J.A. Shaikh Additional Sessions Judge, Baramati
Date	:-	16.12.2021
order signed by P.O. on	:-	16.12.2021
order uploaded on	:-	17.12.2021