

ORDER BELOW EXH.8

MHPU14-003337-2018

1] Present application is filed by the accused Abhijit (accused No.3) and Babu @ Kishore (accused no.4) with request to grant them bail under section 439 of the Code of Criminal Procedure involved in crime No. 396/2018 registered in the Baramati Taluka Police Station and Special Atrocity Case is filed for having committed offence punishable U/s. 307, 504, 506, 120-B r/w 34 of I. P.C., U/ss. 3(1)(r)(s), 3(2)(va), 3(2)(v) of The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 2015

2] It is prosecution case, incident took place on 30/7/2018 at about 6.00 pm at Baramati- Medad Road. It is prosecution case, on the day of incident accused nos. 1 to 3 on account previous inimical terms based on the political rivalry inflicted injuries to the informant. Accused no.1 intentionally insulted to informant by uttering words giving reference of the caste of the informant. It is prosecution case, informant is belonged to SC/ST class and accused are belonged to other than SC/ST class. It is prosecution case, accused no.1 inflicted injury to informant by sword, accused no.2 also inflicted injuries to the informant by sword and accused nos. 3 and 4 inflicted injuries to the informant on both legs, hands and caused fracture of the legs. It is prosecution case, on getting information of the offence, case is registered against the applicant-accused and others, it was investigated and the accused are charge-sheeted.

3] Learned Advocate Mr. Taware appearing for the applicant- accused submitted arguments in the line of application filed (Exh. 8).

4] Per contra, learned APP Mr. Joshi submitted arguments in the line of say submitted by the prosecution and strongly opposed request made.

5] Learned Advocate Mr. Pathan appearing for the informant submitted arguments in the line of prosecution case and strongly opposed request made on behalf of the accused.

6] I have given anxious thought to the arguments advanced on behalf of the rival parties. I have gone through the charge-sheet submitted and the arguments submitted on behalf of the accused.

7] Nature of the offence alleged to have committed by the accused is serious. Material collected, prima facie shows involvement of the accused in commission of crime.

8] Same time, it cannot be overlooked investigation of the present case is completed, charge-sheet is filed in the Court, muddemal property- two iron roads were recovered and no fruitful purpose would be served keeping the accused behind the bar for unlimited period.

9] Moreover, objections taken on behalf of the prosecution to the request made are- one accused would put pressure upon the witnesses and second accused will destroy evidence. So far as destruction of evidence is concerned objection raised at least prima facie carry no substance. So far as objection that the accused would put pressure upon the witnesses request is concerned, care of it can be taken by putting stringent conditions upon the accused.

10] Even after considering arguments for rival parties, in my conclusion, it would be proper to accept request made on behalf of the accused putting stringent conditions, making it clear only because it is argued, there is danger to the informant from the accused cannot be ground to reject request made when otherwise it is acceptable.

11] In the result, following order is passed :-

ORDER

i] Bail application is allowed.

ii] Accused Abhijit Arjun Yadav (accused No.3) and Babu @ Kishore Vijay Bhapkar (accused no.4) be released on bail on execution of P.B. of Rs. 30,000/- each with solvent surety each in the like amount.

iii] Applicant/Accused not to misuse the liberty given.

[iv] Applicant/accused shall not tamper prosecution evidence.

v] Applicant-accused to attend concerned Police Station as and when called by the investigating officer.

vi] Accused to submit legally acceptable identity and address proof.

Accordingly order is passed and the bail application stands disposed of.

Baramati
03.11.2018

Sd/-xxxx
(R.B. Deshpande)
Addl. Sessions Judge ,
Baramati

Typed on 12/11/2018
Signed on 12/11/2018.

CERTIFICATE

“ I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment.

Name of Steno – Shivaji N. Patil
Stenographer Grade-I

Court name – R.B. Deshpande, ASJ, Baramati.

Date – 03.11.2018

Judgment signed by -

Presiding Officer on : 12.11.2018

Judgment uploaded on : 12.11.2018