

ORDER BELOW EXH.15

MHPU14-003337-2018

1] Present application is filed by the accused Santosh (accused no.2) with request to grant him 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 4 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.

3] It is prosecution case, accused no.1 inflicted injury to informant by sword, applicant-accused no.2 inflicted injuries to the informant by sword on leg and accused nos. 3 and 4 inflicted injuries to the informant with the help of iron rod 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.

4] Learned Advocate Mr. Taware appearing for the applicant-accused submitted arguments in the line of application filed (Exh. 15).

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

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

7] I have given anxious thought to the arguments advanced on behalf of the rival parties. I have gone through documentary evidence produced and charge-sheet submitted.

8] 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. Medical evidence on record also supports to the prosecution version.

9] 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 indefinite period.

10] 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.

11] So far as allegation made - destruction of evidence is concerned objection raised at least prima facie carry no substance. So far as objection raised 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. Moreover, it appears there would be no difficulty in securing presence of the accused at the time of trial.

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

ORDER

i] Bail application is allowed.

ii] Accused Santosh Shivaji Yadav (accused No.2) be released on bail on execution of P.B. of Rs. 30,000/- with solvent surety 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 once in month.

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

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

Baramati
16.11.2018

(R.B. Deshpande)
Addl. Sessions Judge ,
Baramati

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 – 16.11.2018
Judgment signed by -
Presiding Officer on : 17.11.2018
Judgment uploaded on : 17.11.2018