



Sessions Case No. 5/2023
(CNR No. : MHPU14-004719-2022)

State of Maharashtra
Vs.
Sachin Dorage & Ors.

ORDER BELOW EXH. 52

1. This bail application has been filed by the applicant/accused No.1 Sachin @ Balu Manohar Dorage under Section 439 of Cr.P.C. to release him on regular bail, in connection with Crime No. 693/2021 registered at Police Station, Yavat, Tal. Daund, Dist. Pune, for the offence punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code.

2. It is the case of prosecution that, on **09/08/2021** the son of first informant i.e. deceased Mangesh Borkar took off from work to go to Bhuleshwar temple. When first informant Maruti Dagadu Borkar came home at 05.30 p.m. that time he came to know that, deceased had a quarrel with wife of present accused Balu Dorage and out of that grudge, present accused and other co-accused persons had assaulted him with iron rod and sticks. When first informant went to the spot, he found that, his son Mangesh Borkar was lying in unconscious condition. He took him to Government Hospital at Yavat and then he was shifted to Sassoon Hospital, Pune. Subsequently he was discharged on **12/08/2021** where deceased had told him that, he was assaulted by accused persons including the **applicant**. That on **13/08/2021** when deceased Mangesh Borkar had stomach ache, he was taken to Patil Hospital at Varvand, Tal. Daund. However, on his admission doctor declared him as dead and accordingly the first informant lodged his

report to the police station against accused persons.

3. According to applicant/accused No.1, he is arrested on **14/08/2021** in connection with the referred crime and since then he is behind bars. The applicant is seeking bail mainly on the ground of parity as well as there is inordinate delay in lodging the FIR. More so, according to applicant, no eye witness to the incident showing the involvement of accused in this crime. Applicant submits that, after entire investigation charge-sheet is filed against accused persons. Moreover, one co-accused in this crime is already released on bail as per the order passed by Hon'ble Bombay High Court, while two accused persons are already released on anticipatory bail as per the order passed by Hon'ble Bombay High Court. Thus, on the above mentioned grounds, applicant prayed for releasing him on bail.

4. Investigating officer and learned APP for State filed say on record and opposed the present application on the ground that, there is sufficient material against applicant/accused showing his involvement in this crime along with co-accused. Investigating officer contended that, the offence committed by accused is serious in nature. In such situation, all the offences are body offence. Therefore, if applicant/accused is released on bail, he will not make himself available during trial. At last, they prayed for rejection of this application.

5. Read application, and reply given by Investigating officer and learned APP for State. I have heard both side. Perused the record.

6. It appears that, the alleged incident took place on **09/08/2021**, while the police report about the alleged incident is lodged by father of deceased Maruti Dagdu Borkar on **13/08/2021**. According to prosecution, the grandmother of deceased, namely, Shakuntala Maral is an eye witness of the alleged incident. However, in spite of the alleged fact, it appears that, there is delay in lodging the FIR about the alleged incident. Record further shows that, about the alleged incident it was reported that, deceased had met with an accident and report about alleged accident police report came to be lodged **only after death of deceased Mangesh Maruti Borkar**.

7. Under the present scenario, no doubt the nature of alleged offence is very serious in nature, however after investigation of this crime, charge-sheet is filed before this Court. Applicant/accused is arrested on **14/08/2021** and since then he is behind bars. One of the co-accused i.e. accused No.2 **Rahul Manohar Dorage** is released on regular bail as per order passed by Hon'ble Bombay High Court in Criminal Bail Application No. **1740 of 2024**, dated **09/05/2024**. The role attributed to the present applicant/accused Sachin @ Balu Manohar Dorage in the commission of alleged offence is **identical and similar** with role of co-accused **Rahul Manohar Dorage**, who is already released on bail as per the above said order passed by Hon'ble High Court. Therefore, the '**ground of parity**' is applicable to the present accused. Taking into consideration the material aspects of the case, in my opinion, keeping the applicant/accused behind bars for further period, would not serve any purpose and applicant/accused

is deserves to be released on regular bail on the ground of parity.
Hence, following order is passed.

ORDER

1. The application (Exh. 52) is allowed.
2. The applicant/accused No.1 **Sachin @ Balu Manohar Dorage** shall be released on bail for the offence punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code, in connection with Crime No. 693/2021, registered at Police Station, Yavat, Tal. Daund, Dist. Pune on execution of P.R. and S.B. in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one or two solvent sureties of the like amount on following conditions :
 - [i] The applicant/accused shall not tamper with prosecution evidence or pressurize the complainant and witnesses in any manner whatsoever.
 - [ii] **The applicant/accused shall attend Police Station, Yavat, Tal. Daund, Dist. Pune as and when required by the Investigating officer for purpose of further investigation, if any.**
 - [iii] The applicant shall give declaration of place of his residence and shall file the proof of residence, both present and permanent on record.
 - [iv] The applicant shall attend the Court regularly on each and every date.
 - [v] The applicant 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

to to any police officer.

[vi] The applicant shall not indulge in any criminal activities.

[vii] The applicant shall comply with Chapter-I, Paragraphs 1 to 6 of the Criminal Manual, 1980. (In view of order of the Hon'ble Bombay High Court passed in Criminal Application No.28 of 2010 in Public Interest Litigation No. 25 of 2010 on January 29, 2020.

3. If breach of the any of the above conditions committed, then investigating officer has liberty to move his application for cancellation of bail before this Court.
4. Intimate to the concerned police station and Jail authority accordingly.
5. The application (Exh. 52) is accordingly disposed of.

Baramati.
Date : 03/09/2024.

[R. K. Deshpande]
Additional Sessions Judge, Baramati
Dist. Pune

CERTIFICATE

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

Name of the Steno :- **Shri. D. L. Gudde,**
Stenographer (Grade-I)

Name of the Court :- **Shri. R. K. Deshpande,**
District Judge- 2 &
Additional Sessions Judge,
Baramati, Dist. Pune.

Date of Order :- 03/09/2024

Order checked & signed
by presiding officer on :- 03/09/2024

Order uploaded on :- 03/09/2024.