

ORDER BELOW EXH.2 IN
Sessions Case No. 33/2023

(CNR No. MHPU21-000472-2023)

(State of Maharashtra Vs. Vaibhav Pandharinath Karale)

1] This is the successive application to grant bail under section 439 of Cr. P. C. in Crime No. 703/2021 for the offences punishable under sections 307, 325, 324, 405, 506, 34 of the I.P.C. registered with Khed Police Station.

2] Perused the application and Say of the Ld. Prosecution. Heard the Ld. Counsel for the applicant / accused and Ld. Add. PP, at length.

3] As per the case of prosecution, on 13/11/2022 at about 3:00 p.m. co-accused Pandharinath caught hold the collar of the informant Eknath and the applicant assaulted him by means of an iron rod. In the meanwhile when the wife of Eknath by name Mangal intervened into the matter, thereupon, applicant Vaibhav dealt a blow on her person and thereby caused grievous hurt. That time, one Datta Jadhav rushed to the spot and pacified the quarrel. The incident in question took place on account of raising volume of the tape recorder installed in the vehicle of the applicant. On the basis of the report, crime was registered and subjected to investigation. The applicant / accused arrested on 17/11/2022.

4] As per the applicant, since prior to alleged incident, there is civil dispute between them. Now the charge sheet is laid before the court. This is the change in circumstance. Moreover, the mother of the applicant is taking treatment from Mental Hospital, Yerwada, Pune. There was no pre-determined act, therefore, no offence punishable under Section 307 is attracted. The non-cognizable offence on the report lodged by his brother Dnyaneshwar came to be registered on

16/11/2022 against the informant and his family members. The co-accused has been released on bail. Now, the custody of the applicant is not warranted. The trial will take its own time to decide on merits. He has no criminal antecedents. He is ready to abide by each and every conditions. Hence, considering the circumstances, prayed to enlarge on bail.

5] On the other hand, as per the prosecution, the offence is serious in nature. The applicant assaulted the informant and his wife with an intention to cause death and thereby caused grievous hurt. The applicant and aggrieved are related interse. The act was so grievous that two teeth of the wife of the informant are uprooted. So also, sustained severe bleeding injury on her face. Mere filing of charge-sheet is no ground to get released on bail. Hence, objected.

6] In the light of submissions advanced, I have gone through the case record. Admittedly, the applicant and the informant are related interse. The record prima facie shows causing grievous hurt to the informant and his wife with an iron rod at the hands of applicant. However, fact remains that the investigation is completed and laid the charge-sheet before the court. At the same time, on the request of the relative, the injured has been discharged from the hospital.

7] In the case of Lakhya Vs. State of Maharashtra, 2015 (1) B Cr. C 450, the Hon'ble Bombay High Court has grnated bail to the accused for the offence punishable under Section 307 on the ground that the offence is not punishable with death or imprisonment with life and the injured is out of danger as well as the investigation is completed.

8] In the case in hand, earlier the bail application was rejected as the investigation was under progress and there was no

material to show whether the injured was discharged or not. Now, what I have stated above, is made clear that the injured has been discharge. Hence, looking to the change in circumstances, as well as their relation and cause of dispute, so also considering the Judgemnet of Hon'ble High Court, it will be just and proper to release the applicant on bail with certain conditions so that the presence of the accused could be made available in the trial. Thus, I proceed to pass following order –

ORDER

1. Application is allowed.
2. Applicant / Accused – Vaibhav Pandharinath Karale shall be released on bail in Crime No. 703/2021 for the offences punishable under sections 307, 325, 324, 405, 506, 34 of the I.P.C. registered with Khed Police Station, on furnishing P.R. Bond for the sum of Rs. 50,000/- with surety in the like amount.
3. The applicant shall not tamper with the prosecution witnesses at any point of time.
4. The applicant shall not misuse liberty in any manner.
5. The applicant shall attend the trial regularly.

Dated : 24-04-2023.

Additional Sessions Judge
Khed-Rajgurunagar.
District - Pune

CERTIFICATE

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

Name of Steno :- Smt. S. S. Phadke, Steno (Grade-I)

Court Name :- Shri. S. N. Rajurkar,
Additional Sessions Judge,
Khed-Rajgurunagar, Dist- Pune

Date :- 24/04/2023

Order signed by P.O. On :- 24/04/2023

Order uploaded on :- 25/04/2023