

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, KHED-RAJGURUNGAR,
PUNE

Order below Exh.03
In
Sessions Case No. 109 of 2024
(CNR. No. MHPU21-001477-2024)

State of Maharashtra
Through Ghodegaon police station

... Complainant

V/s.

Akshay Vilas Kale

... Applicant/accused

Appearances:

Ld. APP Shri. M. D. Pandkar for State.

Ld. Adv. Shri. V. R. Kale for applicant/accused

JUDGE : SHRI A.S. SAYYAD
Addl. Sessions Judge,
Khed-Rajgurunagar, Pune.

DATE : AUGUST 17, 2024

(DICTATED AND PRONOUNCED IN OPEN COURT)

:ORDER:

The applicant seeks her release on bail under Section 439 of Code of Criminal Procedure in connection with CR No. 209 of 2024, registered with Ghodegaon police station, for the offences punishable under sections 306, 201 r/w. 34 of Indian Penal Code.

2. Perused the application and reply of prosecution thereof. Heard both the sides at length of considerable time.

3. **Background facts** -

The informant Sangita Dattoba Mukane lodged an FIR with Ghodegaon police station alleging therein that the incident in question took place on 26/04/2024. According to informant, she had a daughter viz., Gangubai Santosh Bombale who had first marriage with Santosh Bombale. Her daughter had two daughters and a son from first marriage. Her daughter later on came into contact with present applicant and thereafter, she started residing with the said person since past four months at Darekarwadi. The present applicant was already married having children and wife. There was frequent quarrel took place between the daughter of informant and present applicant on account of the above relationship. The present applicant allegedly continuously harassed and tortured the daughter of informant as a result of which she hanged herself with neck with Mango tree and committed suicide. Hence, this report.

4. According to applicant, he is innocent and had not committed any offence as alleged against him. He is falsely implicated in the present crime. He undertakes to abide any conditions imposed by this court. The applicant therefore prayed for allow the application.

5. According to prosecution, the applicant has committed serious offence, if the applicant is released on bail possibility of tampering or hampering the prosecution witnesses may not be ruled out. The prosecution therefore, prayed to reject the application.

6. A survey of FIR, reply of Investigating officer, it would show that the present applicant allegedly played main role in executing the alleged crime. The present applicant along with his associates disappear the body of deceased in Dhimbe dam and tried to destroy the evidence. The present applicant appears to be arrested on 24/05/2024 and since then he is in jail. Co-accused of this crime is already released. There no appears any recovery or

discovery remains at the instance of applicant. Investigation of the presnet crime is already completed and charge-sheet has been filed in the Court of law. Applicant undertakes to abide any condition impose by this Court. No criminal antecedents of applicant appears except the instant one. Charge-sheet recently submitted wherein number of witnesses cited. Therefore, trial of the present matter is not possible to conclude in near future. In such circumstances, it would not proper to detain applicant in jail for indefinite period. Pre-trial detention is not warranted by law.

7. Considering the nature and gravity of the offence, and the fact that investigation is already completed and chargesheet is filed, this Court is of the considered opinion that no prejudice would be caused to prosecution if the applicant is released on bail subject to certain conditions. Hence, the following order would meet the end of justice.

ORDER

1. Application is allowed.
2. ***Applicant Akshay Vilas Kale*** shall be released on bail on executing P R. Bond in the sum of ***Rs. 25,000/-*** with surety in the like amount in connection with CR No. 209 of 2024, registered with Ghodegaon police station, for the offences punishable under sections 306, 201 r/w. 34 of Indian Penal Code.
3. The applicant shall not misuse liberty in any manner.
4. Applicant/accused shall not directly or indirectly make any inducement and/or influence and or pressurize or cause any threat or give any promise to anybody acquainted with the facts of accusations made against the applicant so as to dissuade such person from disclosing such facts to the court or to the investigating agency and shall not tamper in any manner whatsoever with the prosecution evidence whatsoever.
5. The applicant shall remain present in the Court on its every date without fail.

6. In the event any of the condition herein being violated, the prosecution would be at liberty to seek for cancellation of bail.
7. The bail application Exh. 03 is disposed off accordingly.

Khed.
Date : 17/08/2024

(A. S. Sayyad)
Additional Sessions Judge,
Khed-Rajgurunagar, Pune.

CERTIFICATE

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

Name of Steno	A. S. Shivapurkar Stenographer Grade I
Name of Court	Shri. A. S. Sayyad District Judge 1 and Additional Sessions Judge, Khed-Rajgurunagar, Pune.
Date of Order	17/08/2024
Order signed by PO on	17/08/2024
Order uploaded on	19/08/2024