



Order below Exh. 2 in Session Case No.23/2024

(Mallappa @ Mallikarjun Vs. State).

The accused namely **Mallappa @ Mallikarjun Ishwar Police Patil** seeks regular bail being arrested in crime No.53/2024 registered against him in Mandwa Sagari police station in respect of offence punishable under Section 302 of the Indian Penal Code.

2. In short, the accused submits that he is behind bar since 26-04-2024. He has been falsely implicated in this crime merely upon suspicion. In fact there is no material on record the present accused had any involvement with the alleged murder. He is sole earning member of the family.

3. Now the charge-sheet is filed and nothing is to be investigated. The accused is permanent resident of Gondhalpada, Post.Veshvi, Tal.Alibag, Dist.Raigad. So, there is no possibility of him fleeing from justice. Hence, he prayed that he may be released on bail.

4. The learned DGP prayed for rejection of the application on the ground that name of the accused is mentioned in FIR and specific role is attributed to him. The accusation against him is grave and serious. If the accused is

released on bail, he may flee from justice and tamper with the evidence and intimidate the witnesses.

5. Heard the learned Advocate Shri.Shubham Mhatre for the accused. Heard learned DGP Shri.S.S.Pawar for State.

6. Perused the charge-sheet. It is seen that, the deceased that some amount was due to deceased by the accused and when the deceased asked the outstanding amount to the accused, the accused was furious and eliminated her by hard and blunt object.

7. It is seen that the prosecution case is based on recovery of cloths at the instance of accused and statement of some person residing nearby the scene of occurrence. It is seen that there not the direct witness. Now whether the accused had any motive an intention to commit murder of deceased can be ascertained on merit.

8. The accused is languishing in jail since 26/04/2024 At this juncture, I find no propriety in detaining the accused anymore. It is not shown by the prosecution that the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence. The accused seems to have clear antecedence.

9. The prosecution has shown apprehension that after release on bail, the accused may intimidate witness and tamper

with the evidence. As regards this apprehension, I have to state here that the investigation is almost done and now the possibility of tampering with the evidence is minimal. However, it can be taken care of by imposing certain conditions on the accused.

10. Considering allegations and fact that material placed on record does not disclose possibility of the accused fleeing from justice. Trial is not likely to conclude in near future and prolonged pre-trial detention being anathema to concept of liberty.

11. Keeping in view the factors such as nature accusation, nature of supporting evidence, reasonable apprehension of tampering with witness or apprehension of threat to the complainant, prima facie satisfaction in support of the charge and the substantial changes introduced by the accused I am inclined to grant bail to the accused. Hence, the following order.

ORDER

1. The application is allowed.
2. Accused **Mallappa @ Mallikarjun Ishwar Police Patil** be released on executing bail bonds in the sum of Rs.15000/- with surety bond of like amount or cash security of like amount in connection with Cr.No.53/2024, registered with Mandawa Sagari Police Station, District- Raigad, on following conditions.
 - a. The accused shall co-operate with the investigating officer.

- b. The accused 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/her from disclosing such facts to investigating officer.
- c. The accused shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the investigating officer of the police.
- d. The accused shall maintain law and order.
- e. The accused shall not enter into the residential area of defacto complainant and intimidate or influence or the witness in any manner until conclusion of trial.
- f. In case, the accused misuses the liberty of bail, the government pleader or defacto complainant can file bail cancellation application.
- g. The accused shall furnish his address and mobile number and shall not change the resident till the conclusion of the trial without informing the investigating officer.
- h. Bail before this Court.
- i. This order be intimated to the Jail authority forthwith.

Alibag,

(S.D.Bhagat)

Date:- 22/10/2024.

Additional Sessions Judge,
Raigad-Alibag.

CERTIFICATE

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

Name of Steno	-	Sau.Manisha Sudhir Kadave Stenographer Grade-II
Name of Court	-	Shri. S.D.Bhagat, Additional Sessions Judge, Raigad-Alibag
Date of Order	-	22/10/2024.
Order signed by PO on	-	22/10/2024.
Order uploaded on	-	/10/2024.

(Sau.Manisha Sudhir Kadave)

Stenographer Grade-II