

**IN THE COURT OF AD HOC ADDL.SESIONS JUDGE-1,  
RAIGAD-ALIBAG**

**Sessions Case No.68/2018**  
CNR No.MHRG-01-002203-2018

**The State of Maharashtra ... Complainant**  
(Mandawa Sagari Police Station  
C.R.No.16/2018)

**V/s.**

**Vikas Jairam Wakade,**  
Age-47 years, Occ.Agriculture,  
R/o. Awas, Tal.Alibag,  
Dist.Raigad. **... Accused**

**Shri.S.S.Pawar : D.G.P for State**

**Shri.A.S.Bangera : Advocate for Accused**

**Offence punishable under  
sections 141, 144, 147, 148,  
149, 302, 307, 323, 324,  
326, 504 and 506 of the  
Indian Penal Code and u/s.  
37(1)(3), 135 of Maharashtra  
Police Act.**

**ORDER BELOW EXH.31**

1] Accused has filed application for bail under section 439 of Code of Criminal Procedure.

2] It is averred by Accused that Amrut Wakade beat to him on his head, left wrist and left leg by stick. Darshan Wakade and Pradip Wakade abused and beat to him by fist blows. He was seriously injured. He is suffering from severe pain to his fracture injury. He has filed report against them vide C.R.No.17/2018 in Mandawa Sagari Police Station. He has not committed any offence. He has been falsely implicated in this offence. There is no evidence

against him. Investigation is completed. Charge-sheet is filed against him in the Court. He is in jail. There is no necessity to keep him in jail. He is permanently residing on given address. If he is released on bail, he will not tamper with prosecution witnesses. He will not abscond. He is ready to abide by any condition imposed by this Court. Therefore, he has filed application for releasing him on bail.

3] Learned D.G.P. has stated that accused No.1 assaulted to Amrut Wakade on his head by iron rod and committed his murder. An offence is serious in nature. Again a quarrel has taken place between complainant and accused and another crime is registered after this offence. Previously C.R. No.05/2015 is registered against accused in Mandawa Sagari Police Station. Accused is mischievous and murderous person. If he is released on bail, he may commit similar type of offence.

4] Complainant-Akshay Shashikant Mhatre has filed his affidavit at Exh.No.38. He has stated that on 08/04/2018, at about 11.30 a.m., he himself, his maternal uncle Amrut and Siddhartha Wakade were talking at the doorsteps of Amrut. At that time, Pradip Wakade came and told him that when he was going with his dog at that time, his dog barked at the dog of accused Vikas Wakade, he got annoyed and slapped him. Amrut, Siddhartha and Pradip went towards house of accused Vikas. He also followed them. When they reached near gate of Thakur Kutir, accused Vikas, Vishal and Abhijit who were ambushed

in dark, came with iron rod and accused Vikas assaulted Amrut on his head and tried to commit his murder. Accused – Vikas is fearless. Accused and his friends are pressurizing him to withdraw the case. If accused is released on bail, he has apprehension to his life. Lastly, they have prayed for dismissal of application.

5] Following points arose for my determination and I record my findings thereon as under-

<u>POINTS</u>	<u>FINDINGS</u>
1) Whether Accused is entitled for bail?	.. No.
2) What order?	.. As per final order.

REASONS

Point No.1 :

6] Learned Advocate for accused has stated that accused has not committed any offence. He has been falsely implicated in this offence. There is no evidence against him. Investigation is completed. Charge-sheet is filed against him in the Court. He is in jail. There is no necessity to keep him in jail. He is permanently residing on given address. If he is released on bail, he will not tamper with prosecution witnesses. He will not abscond. He is ready to abide by any condition imposed by this Court.

7] He has further stated that Amrut, Darshan and Pradip went and beat to accused on his head, left wrist and left leg by stick and they are aggressor party. Accused has filed report against them in

police station. His testimony can not be discarded. Investigation is completed. Charge-sheet is filed against accused in the Court. He is ready to abide by any condition imposed by this Court. Accused is entitled for bail. In support of his contentions, He has filed citations reported in 1) 2013 ALL MR (Cri) 1317 Pradip Shivaji Shinare V/s. The State of Maharashtra, 2) 1999 ALL MR(Cri)1092 Vasudeo Karunakar Nambiar, 3) 2001 DGLS(SC)349 Bashishth Singh V/s. State of Bihar, 4) 2017 CLU 3393 Dhanesh Shinde V/s. State of Maharashtra and 5) 2009 All MR(Cri) 3290 Gajanan s/o. Laxman Ghatte V/s. State of Maharashtra.

8] Learned D.G.P. and complainant have submitted that on 08/04/2018, at about 11.30 a.m., he himself, his maternal uncle Amrut and Siddhartha Wakade were talking at the doorsteps of Amrut. At that time, Pradip Wakade came and told him that when he was going with his dog at that time, his dog barked at the dog of accused Vikas Wakade, he got annoyed and slapped him. Amrut, Siddhartha and Pradip went towards house of accused Vikas. Complainant followed them. When they reached near gate of Thakur Kutir, accused Vikas, Vishal and Abhijit who were ambushed in dark, came with iron rod and accused Vikas assaulted Amrut on his head and tried to commit his murder. Accused-Vikas is fearless. Accused and his friends are pressurizing him to withdraw the case. If accused is released on bail, he has apprehension to his life. Accused is not entitled for bail.

9] On perusal proceeding, it appears that it has been mentioned in F.I.R. that accused No.1 assaulted to Amrut Wakade on his head by iron rod and committed his murder. Postmortem report discloses that cause of death is due to severe head injury. There are eye witnesses to incident. An offence is punishable with death or imprisonment for life and serious in nature. Mere filing charge-sheet does not mean change in circumstances. If accused is released on bail, he will tamper with prosecution witnesses. He has not shown exceptional and sufficient grounds to release him on bail. In such circumstances, I do not find substance in contentions raised by Accused and his advocate.

10] As per aforesaid discussion, it appears that Accused is not entitled for bail. Hence, I record my finding on Point No.1 in the negative.

**Point No.2:**

11] In view of negative finding on Point No.1 accused is not entitled for bail. In the result, I proceed to pass following order-

**ORDER**

- 1) Application is rejected.
- 2) Case to proceed further.

Alibag.  
Date:- 25/02/2019

(B.C.Kamble)  
Ad-hoc Addl.Sessions Judge-1,  
Raigad-Alibag