

: ORDER BELOW EXH.4 IN SESSIONS CASE NO.12/2025 :
(CNR No. MHRG15-000265-2025)
(Passed on 09.04.2025)

- 1) The present application is filed by applicant under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail in respect of C.R.No.159/2024, registered at Mahad MIDC police station, for the offence punishable under section 103(1), 109, 352 of Bharatiya Nyaya Sanhita, 2023.
- 2) The applicant contended that he is permanent resident of Tirbira, Gopalganj, Bihar. At present he is residing at Privi Speciality, Mahad MIDC, Tal. Mahad, Dist. Raigad. He has not committed any offence.
- 3) He further contended that on 03.12.2024 Birbal Nagina Yadav, had lodged report contending therein that on 02.12.2024 there was dispute between applicant and deceased. Both of them have taken drinks. They by quarreling went outside on the road near Privi Company. At that time, the applicant told the deceased that you wait here, he will show him and will not leave him alive. The applicant went in the Limbore Engineering Workshop and brought iron pipe. He assaulted by said iron pipe on the head and face of the deceased for 3 times.
- 4) The applicant further contended that the investigation of the offence is completed. The Investigating

Officer has filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his instance He prayed that he may be released on regular bail.

5) Ld. A.P.P. filed his say at Exh.5. He contended that the offence committed by the applicant is serious in nature. The contents of the report shows that the applicant for 3 times had assaulted by iron pipe on the head and face of deceased. The said fact shows that the applicant was aware that assault by iron pipe on the head of the deceased, may cause his death. He further contended that there are eye-witnesses to the incident and if the applicant is released on regular bail, there are chances that he may pressurize the eye-witness and tamper the evidence of prosecution. He prayed that the application be rejected.

6) Heard Ld. advocates appearing for parties.

7) On perusal of material available on record, it appears that on 03.12.2024 the informant had lodged report contending therein that he alongwith other workers resides at Limbore Engineering Workshop. On said day, in the evening at about 7.30 p.m. the applicant and deceased were having drinks. There was dispute between them on the issue of sharing the liquor. They quarreled with each others. They by quarreling came on the road near Privi Company. At that time, the applicant told the deceased to stop there he will show him and will not leave him alive. He

went in the workshop and brought the iron pipe. He for 3 times assaulted by said pipe on the head and face of deceased. The cause of death of deceased is mentioned in Postmortem Report as, "due to complication of head injury with left side decompression". The Postmortem Report shows that the deceased had died due to head injury. The contents of the report shows that applicant by assaulting with iron pipe for 3 times on the head of deceased, had caused said injuries. The applicant at the time of assault was having knowledge that the assault by iron pipe on the head of deceased, may cause his death. The applicant prior to assault had also threatened the deceased that he will not leave him alive. The deceased had died due to assault by applicant.

8) The material further shows that there is eye-witnesses to the incident. The offence committed by the applicant is serious in nature and if the applicant is released on regular bail, there are chances that he may pressurize the witnesses and tamper the evidence of prosecution. Therefore, taking into consideration the seriousness of offence and the chances of tampering the evidence of prosecution, in my opinion, the applicant is not entitled to be released on regular bail. Hence, I proceed to pass following order :-

: ORDER :

1) The application is rejected.

(Dictated and pronounced in open Court)

Mangaon.
Date : 09.04.2025.

(H. K. Bhalerao)
Additional Sessions Judge,
Mangaon-Raigad