



Session Case No.41/2022

The State of Maharashtra

Vs.

Shailesh Babu Kuchekar and Anr.

CNR No.MHRG150004142022

:: ORDER BELOW EXH. 3 ::

(Passed on 11th April, 2023)

1. The present application is filed by applicants/accused for releasing them on regular bail.

2. The applicants contended that they are innocent. They have not committed any offence. They are arrested on 17/04/2022 and since then they are behind bar.

3. The applicants further contended that the investigation of offence is completed and charge-sheet is filed against them. The material available in charge-sheet shows that, there is no evidence against them so as to connect them with the offence. The investigation of offence is completed therefore, nothing is to be recovered or discovered at their instance. They prayed that they may be released on regular bail.

5. The learned A.P.P. filed his say at Exh.4. He contended that the offence is serious in nature. There is eye witness to the incident, who had seen the applicants droving the deceased in water. There is ample material available against the applicants in charge-sheet. He further contended that if the applicants are released on regular bail there are chances that they may pressurize the eye witness and tamper the evidence of

prosecution. He prayed that the application be rejected.

6. Heard learned advocates appearing for parties.

7. The learned advocate appearing for applicants submitted that there is no evidence against applicants so as to connect the applicants with the offence. The present application is filed on 26/07/2022 and since then the same is pending before Hon'ble Court. He further submitted that nothing is to be recovered or discovered at the instance of applicants and prayed that applicants be released on regular bail.

8. The learned A.P.P. submitted that there is eye witness to the incident and if the applicants are released on regular bail there are chances that they may pressurize the witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

9. On perusal of material available on record it appears that the charge-sheet is filed against the applicants on 26/07/2022. On the same day the applicants have filed their bail application. The charge-sheet was filed before Extra Joint Sessions Judge Mangaon. The said matter is transfer to this Court on 14/03/2023. Though the matter was transfer in CIS on 14/03/2023 but actual file was received by this Court on 28/03/2023. Thereafter the matter was adjourned on 04/04/2023. On perusal of the file it appears that the prosecution had filed say on 22/11/2022. The same was not

read and recorded by my learned predecessor. Today the say is read and recorded and the application is decided on merit.

10. On perusal of material available on record it appears that the informant is the eye witness to the incident. The contents of the report shows that the applicants have press neck and head of deceased in the water for about 15 minutes. Thereafter the deceased did not come up. The informant is the eye witness to the incident. The offence committed by applicants is serious in nature. Therefore, taking into consideration the seriousness of offence and the chances of tampering the evidence of prosecution in my opinion the applicants are not entitled to be released on regular bail. Hence, I proceed to pass following order.

ORDER

1. The application is rejected.

Mangaon.
Dt.: 11/04/2023

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