



**: ORDER BELOW EXH.8 IN SESSIONS CASE**  
**NO.59/2022 :**  
**(CNR No. MHRG15-000588-2022)**  
(Passed on 27.06.2023)

1) The present application is filed under section 439 of Cr.P.C. for regular bail, in respect of Crime No.91/2022, registered with Roha police station for the offence punishable under section 304, 325, 504 of Indian Penal Code.

2) The applicant contended that he is innocent. He has not committed any offence. The informant/injured had lodged report alleging therein that on 24.05.2022 in the evening at about 6.30 p.m. he was going for the Puja at the house of sister of his father. He was sitting on the bridge of the village and was waiting for his mother. At that time, the applicant came there in drunken condition. He pushed him from behind. Therefore, he fell down from the bridge, due to which he had sustained injury on his left leg. The applicant had also abused him.

3) He further contended that the Investigating Officer had completed the investigation and had filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his instance. He is arrested on 27.05.2022 and since then he is behind bars and prayed that he may be released on regular bail.

4) Ld. A.P.P. filed his say at Exh.11. He contended that the offence is serious in nature. The applicant had pushed the deceased from the bridge. The deceased had sustained injuries

due to said fall. The deceased had died during his medical treatment. There are eye-witnesses to the incident and if the applicant is released on regular bail, there are chances that he may pressurize the witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

5) Heard Ld. advocates appearing for parties.

6) On perusal of material, available on record, it appears that the informant had lodged report contending therein that on 24.05.2022, he was sitting on the bridge of their village. The applicant came there in drunken condition and had pushed him from said bridge. Due to which he fall down and had sustained injuries to his left leg. The Injury Certificate shows that the informant had sustained C.L.W. to his ear and fracture to left femur. The said injury is grievous in nature. The informant/victim during the course of his medical treatment had expired on 26.05.2022. The Postmortem Report on record shows that the cause of death of deceased as "*sudden cardiac arrest.*" The postmortem report of deceased shows that he had died due to sudden cardiac arrest. The postmortem report does not show that the deceased had died due to the injuries, sustained by him due to fall from bridge.

7) The material further shows that the charge-sheet is filed against the applicant/accused. Therefore, nothing is to be recovered or discovered at his instance. Therefore, taking into

consideration all the above facts, in my opinion, the applicant can be released on regular bail by putting appropriate conditions for his appearance at trial. Hence, I proceed to pass following order :-

**: O R D E R :**

- 1) The application is allowed.
- 2) The applicant/accused Rupesh Bhagwan Shinde, be released on regular bail in Crime No.91/2022 registered at Roha Police Station, for the offence punishable under Section 304, 325, 504 of Indian Penal Code, on his executing P.B. of Rs.55,000/- (Rupees fifty five thousand only), with one solvent surety in like amount.
- 3) The applicant/accused shall not pressurize the witnesses or tamper the evidence of prosecution.
- 4) The applicant/accused shall not enter the jurisdiction of village Sangade, Post-Dhamansai, Tal. Roha, Dist. Raigad, till conclusion of trial.
- 5) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.  
Date : 27.06.2023.

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