



: ORDER BELOW EXH.27 IN SESSIONS CASE

NO.40/2021 :

(CNR No. MHRG15-000644-2021)

(Passed on 04.07.2023)

1) The present application is filed by applicant/accused no.7 under section 439 of Cr.P.C. for regular bail, in respect of Crime No.50/2021, registered with Goregaon police station for the offence punishable under section 302, 143, 147, 149, 323 & 506 of Indian Penal Code.

2) The applicant contended that he is permanent resident of Pahel, Tal. Mangaon, Dist. Raigad. He had not committed any offence. He is nowhere concerned with the offence.

3) He further contended that the informant had lodged report alleging therein that the applicant alongwith co-accused had assaulted his father, due to which his father had expired. The allegations in the report shows that the applicant had not used any weapon in the offence. The Hon'ble High Court had released the co-accused on bail. The investigation officer had completed the investigation and had filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his instance and prayed that he may be released on regular bail.

4) Ld. A.P.P. filed his say at Exh.38. He contended that the offence is serious in nature. The applicant had played vital role in the offence. He had dragged the deceased. The role played by the applicant is completely different from the role played by co-accused,

who are released on bail by Hon'ble High Court. The motorcycle by which the applicant had dragged the deceased, is seized at his instance. He further contended that 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) The informant intervened and had opposed the application by filing his written notes of arguments at Exh.41. He contended that the offence is serious in nature. The applicant and co-accused have committed murder of his father on the issue of land. His father had sustained grievous injuries to various parts of his body. The cause of death mentioned in postmortem report is as, "haemorrhagic shock due to multiple injuries to vital organs and fractures." The applicant had killed the earning member of their family. He further contended that 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.

6) Heard Ld. advocates appearing for parties, including the Ld. Advocate appearing for informant.

7) On perusal of material, available on record, it appears that the informant had lodged report on 17.05.2021, contending therein that the applicant alongwith co-accused had assaulted the deceased. The applicant and other co-accused had dragged the deceased. The statement of eye-witness is in the same line as of report.

8) The material available on record further shows that the applicant and other accused have not used any weapon at the time of committing the offence. The Hon'ble Bombay High Court had released the co-accused on regular bail. The role played by the applicant and co-accused, released on bail, is similar. The Investigating Officer had completed the investigation and filed charge-sheet against applicant. Therefore, nothing is to be recovered or discovered at the instance of applicant. Therefore, in the facts & circumstances of present case, applicant is entitled to be released on regular bail on the ground of parity. Hence, I proceed to pass the following order :-

: O R D E R :

- 1) The application at Exh.27, is allowed.
- 2) The applicant/accused no.7 Avinash Bal Manjare, be released on regular bail in Crime No.50/2021 registered at Goregaon Police Station, for the offence punishable under Sections 302, 143, 147, 149, 323, 506 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 visit concerned Police Station once in a month i.e. on every 1st Saturday between 11.00 a.m. to 1.00 p.m. till conclusion of trial.
- 4) The applicant/accused shall not pressurize the witnesses or tamper the evidence of prosecution.

5) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.
Date : 04.07.2023.

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