

MHRG170015072019



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE -1 PANVEL-  
RAIGAD, AT : PANVEL  
ORDER BELOW EXHIBIT 416 IN SESSIONS CASE NO.133/2019  
(DATE 26/07/2022)**

1. The applicant/accused No.2 Mukeshsingh @ Bacchi Rajendraprasad Singh has preferred the present application u/s. 439 or Cr.P.C. for grant of bail in CR. No.I 139/2014 registered with Kamothe police station for the offence u/s. 302, 341, 120 (B), r.w.34 , of IPC and u/sec.7 (27) of Indian Arms Act and u/sec.37 (1), 135 of Bombay Police Act.

2. Applicant/accused No.2 was arrested on 21/09/2014 on the complaint of Ashok Mhaskar dated 21/07/2014 against the unknown person. It is submitted that, on the said day at about 10.50 p.m. when he was at home having dinner, he heard the shouts and call given by someone in his name and accordingly he came out of the house and saw that, some society residents of his building were gathered on the spot. He saw his brother Ankush lying injured in the pool of blood on the road adjoining the building. In the complaint it was further informed that at the material time he saw the right hand palm of Ankush was cut and there were other severe injuries on his person. It is

further submitted that, Ankush was shifted to MGM hospital where he was declared dead and as such necessary FIR was registered against the unknown persons on 22/07/2014.

3. Present accused No.2 was arrested on 21/09/2014. At present he is in judicial custody for more than about 8 years. It is submitted that, accused No.2 was enlarged on bail. Prosecution has listed 50 witnesses, out of which 20 are examined and mostly have turned hostile. It is further submitted that, accused No.2 is behind bar for considerable period. If he is released on bail, he will abide all the conditions.

4. Prosecution opposes the application on the ground that, the offence is serious. In the postmortem report multiple injuries are noticed. It is also submitted that, prosecution will examine the remaining witnesses as early as possible.

5. Upon hearing the Ld.Advocates and on prima facie perusal of charge-sheet as well as the evidence laid down till date, by prosecution, it is a fact that, the matter in hand is based on circumstantial evidence.

6. Initially the matter was pending before the Hon'ble PDJ at Alibag and thereafter same was transferred from one court to another and lastly it was transferred to Panvel on institution of new Sessions Division.

7. Admittedly predecessor of this court while dealing with bail application of accused No.12 observed that, said accused was behind bar for 7 ½ years. Same is the case of present accused No.2. I have gone through oral testimony of the witnesses examined by the prosecution. Majority of the witnesses have not supported the prosecution. Recently Hon'ble Parent High Court in the present crime enlarged accused Somnath Chickne in Bail Application No.917/2022.

8. If the facts of the present case are considered, then, since the year 2014 the accused is behind bar. In the charge-sheet 52 witnesses are listed. Till date not even half of the witnesses are examined. Hence, considering all these aspects I am of the view that, by imposing conditions the applicant/accused is required to be enlarged on bail. Hence, order.

**ORDER**

1. Application Exh.416 is hereby allowed.
2. Applicant/accused No.2 **Mukeshsingh @ Bacchi Rajendraprasad Singh** in CR. No.I 139/2014 registered with Kamothe police station for the offence u/s. 302, 341, 120 (B), r.w.34 of IPC, u/sec.7 (27) of Indian Arms Act and u/sec.37 (1) and u/sec.135 of Bombay Police Act be released on PB and SB of Rs.15,000/-.
3. Applicant to attend concerned police station on every third Saturday of the month between 11.00 a.m. to 02.00 p.m. till conclusion of the trial.
4. Applicant to attend court dates regularly fixed in this matter.

5. Applicant not to tamper the prosecution witnesses.
6. Bail before this Court.
7. Application is accordingly disposed of.

***(Directly dictated in open court on the office computer.)***

Panvel

Date :- 26/07/2022

( J.D.Wadne )

Additional Sessions Judge,  
Panvel-Raigad

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	S.J.Sheth
Name of Court	District Judge-1 & Addl. Sessions Judge, Panvel-Raigad
Date of Dictation	26/07/2022
Order signed by the P.O. on	26/07/2022
Order uploaded on	28/07/2022