



ORDER BELOW EXHIBIT 04

(State of Maharashtra Vs. Manohar Ashok Gavas)

1. This is an application filed by applicant/accused Manohar Ashok Gavas, for bail under Section 439 of Code of Criminal Procedure.

2. Prosecution case in nutshell is as under:-

The informant is resident of Matane, Tal. Dodamarg. She had love affair with accused. Accused use to quarrel with the informant whenever she was talking with another. On 24/04/2023, informant was in her home. Accused called her to meet, but she refused. So, accused had a grudge against her and therefore stopped talking with her. On 01/05/2023, informant has a holiday, so she didn't go for a work. At about 04.00 p.m. she went in the garden to collect cashews. Around 04.15 p.m. accused, who was already in the garden, came along with sickle and upon the reason that, why informant is not marrying with him, started assaulting her by saying that, "he will kill her". According to informant, due to this assault she sustained injuries to her head, etc. He also started pouring liquid like petrol or kerosene on her and tried to set her on fire, but informant ran away. Thereafter, she was taken to Government Hospital, Dodamarg. Hence, the complaint.

3. After receipt of the complaint crime was registered at Dodamarg Police Station vide C. R. No. 62/2023 against accused under Section 307, 506 of Indian Penal Code.

4. Accused has filed this bail application after filing of the charge-sheet. According to him, investigation is completed. Charge-sheet is filed. No ingredients of offence under Section 307 and 506 of I.P.C. gets attracted. Accused has no criminal background. His age is required to be considered. Hence, application be allowed.

5. The say of prosecution and Investigating Officer was called for. I.O. filed the say at Exh. 05 and A.P.P. filed the say at Exh. 06. It is their common contention that, informant and accused are from neighbouring village, so if accused is released on bail, he may pressurize the victim. He has a grudge against her. So, possibility about commission of similar type of offence, cannot be ruled out. Offence is serious. Hence, application be rejected.

6. Heard both sides. Perused relevant record.

7. It is argued by the learned counsel for the applicant/accused that, accused is youngster. He has no criminal background. The injuries mentioned in the medical certificate are required to be considered. Those are not serious in nature. The statements of the witnesses also be taken into consideration. Hence, accused be released on bail.

8. Per contra, it is argued by the prosecution that, victim was under treatment from 01/05/2023, so there is delay in lodging the F.I.R. Accused with well preparation assaulted the informant. Intention of the accused is important. Weapon used in an offence, is also important. Accused may repeat the offence. Hence, application be rejected.

9. After considering the rival submissions before Court when record is perused it reveals that, now charge-sheet is filed. Thus,

investigation can said to be over. Accused is just 24 years old. The chances of immediate trial are very remote. So far as argument of prosecution about intention of the accused is concerned, it is a matter of evidence. Presently it is suffice to say that, investigation is over. Accused is youngster and therefore it is not just and proper to keep him behind the bar for indefinite period. But at the same time, certain conditions will meet the ends of justice. Resulting effect is :-

ORDER

1. The application is allowed.
2. Applicant/accused Manohar Ashok Gavas, be released on bail in C. R. No. 62/2023 registered at Dodamarg Police Station under Section 307, 506 of Indian Penal Code, on his executing P. R. Bond of Rs.25,000/- (Rs. Twenty Five Thousands Only) with one solvent surety in the like amount on following conditions:-
 - a) The applicant/accused shall not commit any other offence.
 - b) The applicant/accused shall not pressurize the complainant and witnesses and shall not tamper the evidence.
 - c) The applicant/accused shall attend Dodamarg Police Station on 1st Monday of every month in between 11.00 a.m. to 01.00 noon, till further order.
 - d) The applicant/accused shall not enter village Matane, Tal. Dodamarg, till further order.
 - e) The applicant/accused shall furnish his permanent and temporary addresses with documentary proof along with

mobile number and shall inform the Court in respect of change of his address.

- f) The applicant/accused shall also furnish addresses of his two relatives along with their mobile numbers.
- 3. The breach of any of the condition will lead to cancellation of bail.

Sindhudurg
Date – 14/09/2023

(Smt. Sanika S. Joshi)
Addl. Sessions Judge,
Sindhudurg-Oros.