

MHSN040000662024



ORDER BELOW EXH. 8 IN SPECIAL CASE(ATROCITY)

No. 03/2024

The State of Maharashtra **... Complainant**

-Versus-

Ankit Naresh Rathor and anr. **... Accused.**

1] The accused No.2 Pratik Bharat Jagtap has filed this second application for grant of bail under sec.439 of the Code of Criminal Procedure in C.R.No. 285/2023 of Police Station, Ashta, for the offences punishable under sec. 302, 504 r.w. 34 of the Indian Penal Code and 3(2)(va) of SC and ST (Prevention of Atrocities) Act. He is arrested on 21/11/2023 and remanded to Police custody till 24/11/2023 and thereafter remanded to Magisterial custody.

2] It is the case of prosecution that informant Alka Balu Ghaste alongwith her parents, sister and brother i.e. deceased Vaibhav is residing jointly at Ashta, Tal. Walwa, Dist. Sangli. Her father is mason and deceased Vaibhav was doing centring work. Co-accused Ankit Rothore was residing adjacent to their house on rent basis. On 20/11/2023 at

about 6.00 p.m. deceased Vaibhav stated to family members that he was going outside. Thereafter informant and her family members came to know that at about 9.00 p.m. accused No.2 and accused No.1 Ankit Rathore quarreled with deceased Vaibhav and he was taken to Rural Hospital,Ashta. Thereafter they went to hospital. At that time Medical Officer examined him and stated that he was expired. Thereafter informant came to know that deceased Vaibhav alongwith his friends went to Sun Shine Beer Bar for taking drinks. Friend of deceased namely Rohit stated informant that on that day he alongwith Vaibhav, Swarup, accused Nos. 1 and 2 went to Sun Shine Beer Bar at about 8.30 p.m., and were consuming liquor. At that time they demanded liquor from Vaibhav. At that time he had not given liquor to them and stated them to bring chicken 65 firstly from outside. So accused No.2 got annoyed and abused him and made altercation with Vaibhav. He stated accused No.1 Ankit to assault Vaibhav and not to leave him alive. Therefore accused No.1 has assaulted him by means of knife on his chest. Due to which deceased Vaibhav was died. Thus accused have committed murder of deceased Vaibhav. Therefore informant lodged the report.

3] The learned Advocate for accused No.2 has submitted that he is falsely implicated in this crime. He has not played any kind of role in the commission of offence. He has neither any kind of knowledge nor intention in respect

of alleged offence. Chargesheet came to be filed in the Court. He is only earning member of his family. He is permanent resident of Ashta, Dist Sangli. He is law abiding person. There is no criminal antecedents against him. He is not likely to flee from justice, if released on bail. So he is entitled to be released on bail. Therefore, accused No.2 prayed for grant of bail.

4] The learned APP resisted application by filing say (Exh.9) stating therein that alleged offence is of serious nature. Accused No.2 has instigated accused No.1 to kill the deceased Vaibhav Ghaste. Scene of commission of offence i.e. spot of incident is captured in the CC TV footage of Sun Shine Bar. There is strong prima facie evidence against him. Accused No2 is native of village Madansuri, Tal. Nilanga, Dist. Latur. Therefore there is possibility of absconding of accused No.2 and tampering evidence by him, if released on bail. Hence learned APP prayed for rejection of application.

5] The informant has strongly resisted the application by filing say (Exh. 10). He prayed that application may be rejected.

6] It appears from record that investigation is completed and chargesheet came to be filed in the Court. Therefore nothing is to be recovered at the hands of accused

No.2. It appears from record that accused No.2 is permanent resident of Ashta, Tal. Walwa, Dist. Sangli. It prima facie appears from record that accused No.2 is of young age and only earning member of his family and there is no criminal antecedents against him. There is nothing on record to show that, accused No.2 will flee from justice, if released on bail. There is no material on record to show that accused No.2 will use his liberty to subvert justice or tamper with the evidence. It prima facie appears from record that there is no reasonable apprehension of tampering with the witnesses. Admittedly, this is the stage of bail, hence merit and demerits of the case, cannot be considered.

7] In the circumstances of the case in my opinion, no purpose will be served by further detaining accused No.2 in jail. The apprehension of the Investigating Officer, can be met by imposing certain conditions on the accused No.2. Considering the above reasons, accused No.2 is entitled for grant of bail with certain conditions. Hence, I proceed to pass the following order.

ORDER

- 1 Application is allowed.

- 2 Accused No.2 Pratik Bharat Jagtap be released on bail, in C.R.No.285/2023 of Ashta Police Station, on his executing P. R. Bond of Rs.1,00,000/- (Rs. One lac only) with one or two sureties in the like amount for the offences punishable under sec. 302, 504 r.w. 34 of the Indian Penal Code and 3(2)(va) of SC and ST (Prevention of Atrocities) Act.
- 3 Accused No.2 shall not in any manner either intimidate or influence witnesses or tamper with the evidence
- 4 Accused No.2 shall attend Islampur Police station on 2nd and 3rd Tuesday of every month till conclusion of Trial.
- 5 Accused No.2 shall not contact or pressurize or terrorize the informant and witnesses.
- 6 Accused No.2 shall not commit crime of similar nature.
- 7 Accused No.2 shall not enter in the boundaries of Ashta till conclusion of Trial.
- 8 Failure thereof shall result in giving right to the prosecution to move for cancellation of the bail.

Date: 15/04/2024.

(Rajshri P.Pardeshi)
Special Judge(Atrocity Act)
Islampur