

**ORDER BELOW EXH.25**  
**The State vs. Pradnya Kamble etc.**

01. This is an application filed by the accused Nos.8 and 9 for regular bail U/s.307, 236, 324, 341, 141, 142, 143, 144, 147, 148, 149, 504, 506, 188 of I.P.C., U/s. 4, 27 of Indian Arms Act and U/s.37(1), 102, 117, 135 of Maharashtra Police Act.

02. As per applicants/ accused, they are innocent. They have not committed any offence. During the course of investigation police arrested them on 26/12/2022 and since then they are behind bars. The alleged sword and iron rod has been recovered by the police during investigation. So nothing has remained to be recovered or discovered at the hands of present applicants/accused. Co-accused are released on bail. The allegations against present accused are vague in nature. The applicants are having firm roots in the society. Case is false and concocted one. There is no cogent and prima facie evidence against the accused. They have no criminal antecedents. They are ready to furnish sureties and abide the conditions that may be imposed by the Court. They will remain present on each and every date of the case. They will not abscond. Investigation is complete. They will not tamper with prosecution evidence. Hence, they may be enlarged on bail.

03. Prosecution has strongly resisted present application. It is

prosecution's say that prima facie involvement of applicants/accused is seen from FIR. Offence is very serious in nature and non-bailable. The offence registered against the accused is squarely applicable to them. If the applicants will be released on bail they will flee away from justice and will definitely abscond. The names and roles of the applicants are mentioned in the FIR. The applicants have used a weapon in the commission of offence and they have assaulted with sword, due to which grievous injury was caused to informant. They may pressurize the informant, prosecution witnesses and tamper the evidence. On these grounds, prosecution has prayed for rejection of the application.

04. Heard advocate Shri. P. P. Navgire, for accused at length. He submitted that, admittedly earlier applications filed by these accused were rejected. But present application is filed on the basis of change in circumstances. He submitted that since beginning it was contended by the accused that the informant in present case without having any reason abused accused Rajanikant and Ramakant and raised quarrel. After some time he and other 18 persons came with sword, sticks, iron rods, hockey sticks to the house of Rajanikant and assaulted Rajanikant and Ramakant. During the assault Sudhir Bidbag inflicted blow of sword on Rajanikant and other accused assaulted Vishwabhusan and Buddhabushan Kamble. According to accused, police refused to record their F.I.R. Therefore, after

adopting due course they filed private complaint. Now investigation in the private complaint is completed. Charge-sheet is filed against 19 persons. It was further argued by him that as police is biased since beginning, the charge-sheet in counter case is filed for the offence punishable U/s.324 of I.P.C. It is pertinent to note that anticipatory bail application of the accused in counter case was rejected by Hon'ble High Court. Now, it is mandatory to try both the cases together by the same Court. The counter case is at initial stage. Accused Nos.8 and 9 are in jail since 26.12.2022. Trial may take its own time. Therefore, accused be released on bail. They are ready to abide all conditions that may be imposed by the Court. During his argument, he relied upon ratio laid down in case of **Nagaraj S/o Sambaji Kadam vs. The State of Karnataka etc, in Cri. Petition No.101231/2019 decided on 13.01.2021 and Sri.Yallappa S/o.Swamy vs. State of Kadur Police, in Criminal Petition No.2738/2020 decided on 29.06.2020**. In both cases referred above, it was observed that in case of counter cases trial may take its own time. There is no bar U/s.439 of Cr.P.C. for filing any number of successive bail petitions. In the second case even anticipatory bail application was granted, because anticipatory bail was granted to the accused persons in the counter case.

05. Heard A.P.P. Smt. Bujare. She submitted that this is premature stage to decide which accused out of both the cases were

more aggressive. Earlier bail application of both these accused were rejected twice. There are criminal antecedents of the accused. In such situation, if these accused are released on bail, it is likely that they may threaten and pressurize the prosecution witnesses and repeat the similar crime. On these grounds, A.P.P. prayed for rejection of bail application.

06. At the outset it is pertinent to note that so far as the criminal antecedents against accused are concerned, it is submitted by the advocate for accused that in the first crime registered for the offence punishable U/s.324, 323, 504 r.w.34 of I.P.C., the case has resulted in acquittal and another crime was for the offence punishable U/s.12 of Prevention of Gambling Act.

07. Considering rival submissions of both sides, I find that accused have produced on record photocopy of charge-sheet filed in counter case. On perusal of the same it transpires that there are 19 accused in that case. The I.O. has served notices for appearance as per Section 41(a)(1) of Cr.P.C. Thus, the matter is still at the stage of securing presence of the accused in counter case. It is well settled that counter cases shall be tried together irrespective of, whether any of the said cases is triable by the Court of Sessions or not. In such situation, it becomes clear that it may take its own time to secure presence of accused in the counter case and to commit the same to the Court of Session. Accused are in jail since 26.12.2022. Undoubtedly, according to

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the contents of F.I.R. the accused assaulted informant with sword causing grievous injury. The sword used in the crime is seized by I.O. under memorandum panchanama at the instance of accused No.8 Rajanikant. But at the same time, considering that the committal of counter case to the Court of Sessions may take time and the accused are in jail since more than seven months, I find, it would not be just and proper to keep them behind bars. So far as the apprehension of prosecution that if the accused are released on bail they may pressurise and threaten the prosecution's witnesses and repeat the similar offence. I find that, imposing suitable conditions shall serve the purpose. Hence, considering the ratios laid down in the cases cited supra, I pass the following order.

**: ORDER :**

1. The application for bail is hereby allowed.
2. Applicant/accused No.8 Rajanikant Revansiddha Balshankar and applicant/accused No.9 Ramakant Revansiddha Balshankar, in C.R.No. 284/2022 registered by Jodbhavi Peth Police Station, Solapur for the offences punishable U/s.307, 236, 324, 341, 141, 142, 143, 144, 147, 148, 149, 504, 506, 188 of I.P.C., U/s. 4, 27 of Indian Arms Act and U/s.37(1), 102, 117, 135 of Maharashtra Police Act, be released on their executing P. R. Bond of Rs. 60,000/- each with one solvent surety of like amount, on the following terms and conditions.

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- a) The applicants shall not directly or indirectly tamper with the prosecution witnesses or evidence.
- b) The applicants shall not indulge in any offence.
- c) The applicants shall not repeat the any crime.
- d) The applicants shall not leave the jurisdiction of the Court without prior permission of the Court till further order.
- e) The applicants shall not abscond and furnish address to the police along with address proof.
- f) The applicants shall not enter within the locality of informant and other injured witnesses till completion of trial.
- g) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

**03.** Inform the concerned police station, accordingly.

**Date : 25/08/2023.**

**( S. R. Shinde )  
Additional Sessions Judge,  
Solapur.**

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C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : S.R.Kore, Stenographer (G-1)
- (b) Court : District Judge-4 & ASJ, Solapur
- (c) Order dictated by P.O. on : 25/08/2023
- (d) Order signed by P.O. on : 02/09/2023
- (e) Order uploaded on : 04/09/2023

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