

**ORDER BELOW EXH.35 IN SESSIONS CASE No.118/2022
(State of Maharashtra Vs. Dattatraya Ramchandra Jadhav)**

01. Heard Ld.Adv. Shri.Doifode for accused & Ld.A.P.P.Smt. G.M. Lakade for State. Perused application, say and the record.
02. This is application filed by accused U/s.439 of Cr.P.C., in Sessions Case No.118/2022, on the basis of C.R.No.409/2018 registered at Satara City Police Station, for the offences punishable U/ss.353, 332, 143, 147, 148 r/w.149 of I.P.C.
03. According to the applicant, he is arrested on 03.11.2020 and since then he is in M.C.R. He has committed no offence and falsely implicated. There is no medical report of complainant or his teammates who were present. Moreover there was no primary evidence about obstruction or use of criminal force, so S.353 of I.P.C. is not attracted. Co-accused Nos.2 & 4 are already released on bail and accused Nos.3 & 5 were dead. The deposition of prime witness i.e. complainant is already recorded. The whole intention behind implicating the accused to malign their image and defame them in the society. He is ready to abide all conditions. He will not breach the condition or abscond, if he released on bail. There is no evidence against him appearing in this case. His custodial interrogation is not necessary. There is no recovery or discovery from him. He is permanent resident of given address and ready to abide all conditions. So, application be allowed.
04. Prosecution filed say at Exh.38 and objected alleging that, offence is serious in nature. There is prima-facie evidence against the accused for the offences punishable U/ss.353, 332, 143, 147, 148 r/w.149 of

I.P.C. The deposition of P.W.1 shows that accused is habitual offender and involved in various crimes like murder, decoity, ransom, theft, rioting and under offences punishable under POCSO Act. He is the history sheeter. Now matter is part-heard and material witnesses are yet to be examined. Other substantive evidence is yet to come on record. If he released on bail, he may tamper the evidence and pressurize the witnesses. So, application be rejected.

05. Record shows that matter is part-heard and material witnesses are yet to be examined. The complaint is proved at the instance of complainant and the involvement of accused is revealed in his examination-in-chief. Record also shows that accused is having habit of moving various applications and so the matter is prolonged. Considering the antecedents and the conduct of accused as mentioned by the prosecution in its say, if the accused is released at this stage, it will affect the evidence of remaining material witnesses. As such there are chances of tampering the evidence. So following order is passed.

: ORDER :

- 1) Application (Exh.35) is rejected.

Place : Satara.

Date : 26.12.2024.

Kamala V. Bora

I/C. Addl. Sessions Judge, Satara