

Order Below Exh.26 in**S.C. no.107/2017****State of Maharashtra****-Vs-****Sachin Dharmapal Dape**

The applicant is seeking bail u/s 439 of Cr.P.C. in crime No.574/17 u/secs.307, 364, 143, 147 and 149 of the Indian Penal Code registered in Sewagram Police Station.

2. It is the case of the prosecution that on 23/06/2017 at about 11.45 a.m. to 11.55 p.m. when complainant-injured Fahim Najruddin Kazi was going to his house after consuming tea, the present accused No.3 Sachin and other co-accused formed an unlawful assembly and in prosecution of common object of said assembly to commit murder, forced him to sit on the motor-cycle, kidnapped him and assaulted him by the stone, kicks and fists blows. The complainant- injured was taken to the hospital, where his dying declaration was recorded. The said dying declaration is treated as complaint in the present case.

3. Heard Shri R.R.Rathi Adv. for the accused No.3-Sachin and Shri G.V.Takwale, P.P for the State. Perused the charge-sheet. The perusal of the medical certificate shows that the injured sustained only abrasion. Hence, they are appears to be simple in

nature. The injured is said to be already discharged from the hospital and there is no danger to his life. The other co-accused are already released on bail by the In-charge Court. The investigation is completed and the charge-sheet is already filed. There is no reason to keep the applicant behind the bar indefinitely. Hence, the accused No.3 Sachin is entitled to the bail. Hence, I pass the following order.

ORDER

1) Accused No.3 Sachin Darampal Dape in crime no. 574/2017 S.T. No.107/17 be released on bail on his executing P. R. bond of Rs. 15,000/- with one surety in like amount on the conditions that he shall attend the court regularly on the date fixed and shall not tamper with the prosecution witnesses.

Dt.01/10/2018

[S.R.Sharma]
Additional Sessions Judge
Wardha.