

Order Below Exh. 05
(Dated 13/02/2024)

- 1) The present application is preferred for regular bail on the ground that the applicant is falsely implicated, there is no name of assailant in the FIR, there is no evidence against the applicant/accused, the deceased not mentioned the name of the assailant, the assailants were with face masks, the alleged FIR is not conducted with face masks, no eye witness and the applicant is ready to abide each and every condition put by this Court.
- 2) The prosecution objected the application on the ground that there is direct evidence against the applicant, the accused Dnyaneshwar having criminal history, the weapon of the offence i.e. iron pipe recovered at the instance of the applicant, the applicant disposed the mobile in order to disappear the evidence and there is likeliness of danger to the life of the informant and witnesses.
- 3) Heard the ld. advocate Mr. R. N. Deshmukh for the applicant/accused and the ld. APP Mr. A. R. Vyawahare for the prosecution along-with Mr. R. S. Joshi, the ld. advocate for the original informant at length.
- 4) On perusal of the bail application, say of the prosecution at exh. 6, charge-sheet in the present case along-with oral submissions of both sides advocates, following points arise for the consideration of the Court on which the Court answered thereon with the reasons as follows.

Sr. No.	Points	Findings
1)	Whether the applicant Satish Ramdas Sonune proved the case for his release on bail in	In the Negative.

	Jaulka Police station crime no. 301/2023 registered under sections 302, 201, 120-B of IPC on the ground that there is no evidence against the applicant/accused and the applicant is falsely implicated in the present crime ?	
2)	What order ?	As per final order.

REASONS

As to Point No. 1 -

5) The applicant/accused came with the case that he is falsely implicated in the present case by the informant, there is no direct evidence against the applicant/accused, the deceased was well oriented and conscious after assault but not pointed out the name of the applicant which is also reflected from the seized video. The applicant also came with the case that the assaulter were face covered by the masks, therefore, no eye witness can identify the assaulter. So also, the civil disputes between the applicant and deceased family lead false implications.

6) On perusal of the FIR of Anil Dhonduji Sonune dated 10/10/2023, it is observed that he made allegations of previous enmity between the accused family and the deceased family on the agricultural land. He further made allegations that the deceased was killed by someone and thrown on the Malegaon-Kolhi road and burnt. On perusal of the statement of Nilesh Dilip Sonune dated 10/10/2023, he made allegations against the present applicant. So also, Prakash Rajaram Landkar pointed out the clothes of assaulter including black coloured jacket, blue coloured pant and brownish coloured shirt which is also supported by the witness Nikhil Daulat Gudade

vide his statement dated 11/10/2023. The witness Laxmibai Datta Shinde also supported same one. The witness Raheman Shaha Ahamad Shaha also pointed out the same clothes of assaulter in his statement dated 11/10/2023, then clothes of assaulter and manner of alleged offence corroborated by the statements of above witnesses.

7) Similarly, on perusal of identification parade dated 08/12/2023, it is observed that the witness Raheman Shaha identified present applicant as one of the assaulter. Then likeliness of involvement of the present applicant in the alleged offence can not be ruled out.

8) No doubt the charge-sheet is filed and the case is fixed for framing of the charge. The ld. advocate for the applicant is strongly relied on the video and as per the applicant/accused the said video reflecting his innocence, even if it is presumed with the stand taken by the applicant that the deceased not mentioned or uttered the name of assaulter which is reflected from the said video, but even relying on the said stand, it is observed as per the applicant/accused, the deceased even answered *“four to five boys beat him by stick due to misunderstanding”*, then there is no necessity to see the said video clip at this stage because it will not helpful to prove the non involvement of the applicant/accused in the present case, as the applicant admitted civil disputes between both the families.

9) It is also observed that though the CA certificate is not received in the present case till today, it can not be the ground to release the applicant on bail as it is the case of the applicant himself that there is civil disputes and enmity between the accused family and the family of the deceased. Hence, the Court answered **point no. 1 in the negative.**

As to Point No. 2 :-

10) As the Court concluded that the applicant is failed to prove that he is entitled to be released on bail in present crime as there is no evidence against the applicant/accused and the applicant is falsely implicated in the present crime, then the application deserves for dismissal in the interest of justice. Hence, the order -

ORDER

- 1) The bail application of the applicant is hereby rejected.
- 2) Inform to Jaulka Police Station accordingly.
- 3) Accordingly, the application is disposed of.

Washim.
Date: 13/02/2024.

Sd/-
(S. V. Hande)
Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer :- A. W. Ajmire, Stenographer (Grade-II)

Name of Court :- Principal District & Sessions Judge,
Washim, Dist. Washim.

Date of Judgment/ Order :- 13/02/2024

Judgment/Order signed by :- 13/02/2024
the Presiding Officer on

Judgment/Order uploaded on :- 14/02/2024