

ORDER BELOW EXH.36

Applicant No.1 Dnyaneshwar Ramdas Sonune has filed this application for grant of bail for the offence punishable under sections 302, 201,120(B) of I.P.C. registered on 10/10/2023 at Jaulaka Police Station.

2. Applicant submitted that there is the case of prosecution that on 09/10/2023 informant Anil Dhonduji Sonune received call from Narayan Katekar that somebody assaulted and burnt his brother Dilip Dhonduji Sonune and carrying him to the hospital Washim. Then he went to the Government hospital and found his brother Dilip is died. Then he lodged the report. On the basis of the said report the case is registered. He submitted that the said report is not against the accused No.1 Dnyaneshwar Sonune and his brother accused No.2 Satish Sonune. It was against the unknown person. During the investigation panchnama was prepared, Postmortem is also conducted and statements of witnesses were recorded. On the basis of suspicious ground accused are arrested. Thereafter, false memorandum panchnama was prepared, statements of witnesses are also recorded but it is not reliable, false evidence of identification parade after 2 months was conducted. After the investigation chargesheet is filed against the accused Satish Sonune and Dnyaneshwar Sonune. The bail was granted to Satish Sonune by the Hon'ble Bombay High Court. Now he is on bail. The memorandum and seizure is against the accused Satish and not this applicant. Therefore, submitted that on the ground of parity the applicant is entitled for bail. Accused will undertake that he will not

tamper the witnesses. He is ready to abide all the terms and conditions. Therefore, prayed to grant the bail application.

3. Investigation Officer has filed say at Exh.46 and submitted that accused Satish given the statement under the memorandum panchnama and admitted that they have committed the offence. He produced the muddemal. There are eye witnesses namely Raheman Shaha Ahmad Shaha, Sagar Ramesh Ahir and Nikhil Daulat Gudade and their statements are recorded under section 164 of Cr. P. C. Identification parade was also conducted. The accused and witnesses are from the same village. The nature of offence is serious. Accused will pressurize on the witnesses. The offence under section 307, 504 and 506 of I.P.C. is also pending against the accused Dnyaneswar. He was absconded from two to three years. He will not present in the Court in future. There will be create the problem of Law and Order. Therefore, prayed to reject the application.

4. Heard A.P.P for the State and advocate for the accused.

5. Advocate for the applicant submitted that there is no prima-facie evidence come on record against this accused. The case is filed on suspicion ground. There is no direct evidence. The memorandum and seizure panchnama can not be considered at this stage. There is no direct witness regarding the commission of crime by this accused. Only on the suspicion ground the accused is arrested. Another accused is on bail. Therefore, on the ground of Principle of Parity accused be released on bail.

6. Advocate for the applicant has relied upon the case law of Hon'ble Meghalay High Court 2021 ALL MR (Cri) Jurnal 71, Smt. Biva

Baidya & Anr. Vs. State of Meghalaya. In which it is held that the bail can be granted on the ground of Principle of parity. Other accused are already granted bail in relation to the riots.

After gone through the said case law then it is found that in the said case the offence is regarding the riots and other accused are released on bail. In the said case law the witnesses could not stated the exact role of each individual. Therefore accused was released on bail on the ground of parity. The case in hand only two accused are there and there is circumstantial evidence regarding the involvement of these accused persons. Therefore, the said case law is not applicable in this case.

7. Advocate of the applicant has relied upon another case law of **Hon'ble Supreme Court, 2014 ALL MR (Cri) 1871 (S.C.), Sanghian Pandian Rajkumar Vs. Central Bureau of Invetigation & Anr.** In the said case accused was in custody nearly for a period of seven years and trial is pending, the charge is not framed by the Court and there is no chance of completion of trial, there are more than 600 witnesses and other co-accused were granted bail by the trial Court. Therefore, accused was granted bail in that case.

In the case in hand the accused is in custody since from the period of 13/10/2023. Charges are framed against this accused. Now the evidence is recorded. The case is part heard. Three witnesses are examined. It is pending for the trial. Therefore, the said case law is not applicable in this case.

8. I have gone through the record and evidence then it is found that as per the record three witnesses are examined. The material witnesses which are based on circumstantial evidence is yet to be examined. On

the basis of prima-facie evidence there is involvement of this accused in this crime. There is possibility that accused will pressurize on the witnesses and tamper the prosecution witnesses. Total case is based on circumstantial evidence and there is possibility of chain of circumstances will be disturbed, if accused is released on bail. Considering the nature of offence and prima-facie evidence at this stage accused is not entitled for bail. In such circumstances, application is liable to be rejected. Hence, I pass following order.

ORDER

Application is hereby rejected.

(Dictated and pronounced in open Court.)

(S.S.Ghorpade)

Additional Sessions Judge, Washim.

Date : 05/09/2024

<u>CERTIFICATE</u>	
I affirm that the contents of this P.D.F file Order are same, word to word, as per the original Order	
Name of the Stenographer :	S. V. Dere, Stenographer (Gr.III)
Name of the Court :	Shri. S. S.Ghorpade Ad-hoc District Judge-2 and A.S.J., Washim.
Date :	05/09/2024
Order signed by the presiding officer on :	05/09/2024
Order uploaded on :	06/09/2024