

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WASHIM.**

**S.T. No.49/2024**  
Rupesh x State

**Order below Exh.14**  
( Passed on 26/11/2024 )

The applicant/accused Rupesh Gajanansingh Gaherwal [Thakur] has filed this application for bail under Sec.439 of Cr.PC. Perused the application, say filed by APP and charge-sheet. Heard Ld. advocate for the applicant/accused, Ld. APP for the State.

2. The applicant/accused is facing trial for the offence punishable under Sections 302, 324, 326, 143, 147 148 r/w Section 149 of the Indian Penal Code.

3. The Ld. advocate for the applicant/accused submitted that in FIR which is filed by the deceased name of applicant/accused is not mentioned. He submitted that as per FIR the incident took place at about 6.00 p.m. and the MLC is sent at 5.10 p.m. He submitted that as per the statement of injured Jayram Chandel incident took place at about 3.00 to 4.00 p.m. He further submitted that the statement of Jayram Chandel was recorded u/s 164 of Cr.PC. and in said statement he stated that applicant/accused Rupesh gave blow of stick on his leg however there is contradiction in statement recorded u/s 161 of Cr.PC. and recorded u/s 164 of Cr.PC. of the above witness. He submitted that some of the co-accused are released on bail therefore ground of parity is applicable. He submitted that the applicant/accused is only earning member in his family and his father is bedridden. He submitted that charge-sheet is filed. On these grounds he submitted that application be allowed.

4. On the other hand, the Ld. APP submitted that Sunil Thakur, Rupesh Thakur and Shankar Khule are the main accused in this case who gave vital blow to deceased Uttam Bajad and therefore ground of parity is not applicable. He submitted that there is prima-facie evidence against applicant/accused and if the accused is released on bail then he will put pressure on prosecution witnesses and tamper the evidence. On these grounds he prayed that the application be rejected.

5. It is case of the prosecution that on 25/03/2024 at about 3.00 to 4.00 p.m. quarrel took place between accused Sunil Thakur and Jayram. Then Sunil Thakur called other six to seven persons. They arrived there alongwith stick and iron pipe and assaulted Jayram on his head and when deceased Uttam Bajad tried to intervene in the quarrel the said persons also assaulted him by stick and iron rod. It is also case of prosecution that said person also assailant Mithilesh, Akhilesh and Manchan and caused injury to them. Initially, the offence was registered under Section 324, 143, 147, 148, r/w 149 of IPC. Then Section 326 of IPC was added. It is case of prosecution that when deceased Uttam Bajad was taking treatment he expired on 29/03/2024. As per PM report cause of death is head injury.

6. No doubt in FIR the name of the applicant/accused is not mentioned but it is mentioned that alongwith Shankar Khule other six persons came and they assaulted. Jayram Chandel is eye witness who sustained injury in this incident. In his statement he stated that accused Rupesh Thakur assaulted him by stick and there are specific allegations against applicant/accused that he and Sunil thakur assaulted deceased Uttam Bajad by iron pipe and stick on his head and leg. Thus, prima-facie there is material against the applicant/accused. I am of the view

that some contradictions pointed out by the Ld. advocate for applicant/accused are not sufficient to grant bail to the applicant/accused. The role of the applicant/accused is totally different from the co-accused who are released on the bail, therefore ground of parity is not applicable. The offence is serious in nature and considering the role of the applicant/ accused he is not entitled to release on bail. If the accused is released on bail then there are chances of putting pressure on the prosecution witnesses and tampering the evidence.

7. Considering the above aspect the applicant/accused is not entitled to get bail. Hence, I pass the following order.

**ORDER**

Application is rejected.

Date: 26/11/2024

( N.R.Pradhan )  
Additional 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	:-	R.K.Pawar, Stenographer (Grade-I)
Name of Court	:-	District Judge-1 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:-	26/11/2024
Judgment/Order signed by the Presiding Officer on	:-	26/11/2024
Judgment/Order uploaded on	:-	26/11/2024