

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

**S.T. No.49/2024**

Sunil x State

**Order below Exh.70**

( Passed on 22/04/2025 )

The applicant/accused Sunil Guljarsingh Thakur has filed this application for bail under Sec.439 of Cr.P.C. 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 this is first bail application. He submitted that accused was working as a labour with witness Jayraj Bisnasingh Chandele. He submitted that on the day of incident the applicant/accused demanded his wages from Jayraj Bisnasingh Chandele, but he refused to give his wages and abused him, therefore he left the spot and at the time of incident he was not present on the spot of incident. He submitted that therefore the I.O. has not filed tower location of mobile phone of the applicant/accused. He submitted that there are material contradictions regarding time of incident and weapon used by the applicant. He submitted that some of the witnesses stated in their police statement stated that the applicant/accused gave blow of stick on the head of deceased and some of the witnesses stated in their police statement stated that the applicant/accused gave blow of iron rod on the head of deceased. He submitted that these are the material contradictions which creates serious doubt about the case of prosecution. He further submitted that

iron rod is shown to be recovered from the applicant/accused however, no blood stains found on said iron rod and clothes of applicant/accused. He submitted that charge-sheet is filed on 14/08/2024 but till today trial is not started. On these grounds he submitted that application be allowed.

4. On the other hand, the Ld. APP submitted that in the police statements of witnesses Jayraj Bisnasingh Chandele, Dnyaneshwar Gaikwad, Manchan Mazi and Kaleshwar Paswan it is specifically mentioned that applicant/accused and co-accused had given blow of stick and iron rod on the head of deceased Uttam Bajad. He submitted that as per PM report cause of death is head injury. He submitted that trial is not delayed because of prosecution, but every time the accused who are on bail remained absent deliberately and therefore charge cannot be framed. 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 and thereafter Section 302 of the Indian Penal Code was added.

6. Name of applicant/accused is mentioned in FIR. Witnesses Jayraj Bisnasingh Chandele, Dnyaneshwar Gaikwad, Manchan Mazi and Kaleshwar Paswan are knowing applicant/accused because he was working in the agricultural land of Jayraj Bisnasingh Chandele as a labour. Therefore, there is no question of identification. It is in the police statements of witnesses Jayraj Bisnasingh Chandele, Dnyaneshwar Gaikwad, Manchan Mazi and Kaleshwar Paswan that applicant/accused had given blow of iron rod on the head of deceased Uttam Bajad and cause of death mentioned in PM report is head injury. Therefore, ground of parity is not applicable.

7. So far as delay in trial is concerned Roznama shows that every time co-accused who are on bail claimed exemption on various grounds. Therefore, the charge was not framed. It is on record that on last some dates the Court was pressing for framing of charge, then discharge application of co-accused Nitesh was filed on 08/04/2025 at Exh.19. On 08/04/2025 Ld.APP filed draft charge at Exh.91. Thus, the trial is not delayed due to prosecution, but for the absence of co-accused who are on bail.

8. After going through the charge-sheet I found prima-facie material against the applicant/accused. If the accused is released on bail then there are chances of putting pressure on prosecution witnesses and tampering with the prosecution evidence. If the accused who are on the bail co-operate with the Court then the charge can be immediately framed and trial can conducted as early as possible.

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

**ORDER**

Application is rejected.

Date: 22/04/2025

( 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	:-	22/04/2025
Judgment/Order signed by the Presiding Officer on	:-	22/04/2025
Judgment/Order uploaded on	:-	22/04/2025