

ORDER BELOW EXH.103

The present application is filed by applicant for grant of bail under section 439 of B.N.S.S. 2023 & under Section 483 of Indian Penal Code.

2. In brief it is the contention of the applicant/accused that he is facing trial for the offence punishable under Section 302 of Indian Penal Code. There is delay in giving FIR in present case. Accused is permanent resident of Washim and does not have criminal background. Since 01/05/2024 accused is in jail. Sufficient time was consumed for committal of the accused to this Court and accused without fault is in jail. He is karta of his family. His previous bail application was rejected and no other bail application is pending before Hon'ble High Court. Accused is implicated in false case and is in jail for more than one year. On 18/02/2026 accused had suffered paralysis attack and he was given treatment by jail authorities in GMC, Washim. After treatment he was again sent to jail. Accused is suffering from severe ailment and there is no one to look after him. He is aged and hence for providing necessary treatment to him he be released on conditional bail. Due to these change in circumstances accused had filed second bail application. He undertakes not to leave jurisdiction of the Court and is ready to furnish bail. Hence, he be released on bail.

3. Said application is strongly opposed by the prosecution by filing say below Exh.105. According to prosecution offence levelled against the accused is serious in nature. The trial is at the fag end. Prosecution has examined seven witnesses and case is for defence evidence. The defence has examined number of witnesses and closed

their side. Thereafter they have again filed application for recalling the witnesses which was rejected and now again they have filed application for examining of witnesses in defence. Case is for argument since long and prosecution is ready to argue the matter. However, the matter is prolonged due to application filed by Ld. Advocate for accused. As the offence had occurred due to enmity between the families, there is also danger to the life of accused if he released on bail. Necessary medical treatment is being provided to accused. Hence, application is without merits and it needs to be rejected.

4. Heard Ld. Advocate for accused and Ld. APP at length. Perused the record. In case in hand it is matter of record that prosecution evidence is closed long-back and case was pending for defence evidence. Ld. Advocate for accused had examined number of witnesses and case was for final argument. However, application was filed by Ld. Advocate for accused for recalling the witnesses and after rejection of said application again application is filed examining the defence witnesses. Thus matter is pending only for defence of the accused and same is not being prolonged by the prosecution. As submitted by the Ld. Advocate for the accused though the accused had suffered paralysis attack still necessary treatment was given to him by jail authorities. It is not contention of accused that jail authorities neglected their duties to provide medical treatment to him. In the said circumstances, even if accused is in jail necessary treatment would be provided to him. Hence, same cannot be considered as a ground to release the accused on bail. Specifically when the accused is seeking date for examination of defence witnesses. In the said circumstances I

//3//

Sessions Case No.75/2024
Vijay x State

proceed to pass following order.

ORDER

Application is rejected.

Dt:-05/06/2026

(M. S. Sahasrabudhe)
District Judge-3 &
Addl. Sessions Judge,Washim.

//4//

Sessions Case No.75/2024
Vijay x State

CERTIFICATE

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

Name of the Stenographer	:- R.K.Pawar, Stenographer (Grade-1)
Court Name	:- District Judge-3 & Additional Sessions Judge, Washim.
Date	:- 05/06/2026
Order signed by the Presiding Officer on	:- 05/06/2026
Order uploaded on	:- 05/06/2026