

-: ORDER BELOW EXH-25 :-
(Delivered on this 15th day of December 2022)

1. By pressing into change in circumstances Accused Atul Bhele invoked jurisdiction of this court with forth successive application vide Section 439 of the Code of Criminal Procedure, 1973, seeking Regular bail.

2. Scanned application and say filed on behalf of prosecution below Exh.27. I have pore over entire record minutely. Primarily offence vide sections 307 r/w 34 of the Indian Penal Code is alleged against the accused. Charge sheet in placed before this Court. Charge herein is framed against him. The case is stand over for schedule and adducing evidence of the prosecution as well as production of the accused wherein, instant application is moved for enlargement of the accused on suitable bail.

3. Having explored entire papers on record it reveals that this is fourth successive bail application of the accused. His earlier attempts for bail are thwarted by this court. Now once again he has approached this court and crave leave for his release on bail.

4. Heard learned advocate Shri. V.D. Darne for the accused and learned APP Shri. M.S. Gangalwar for the prosecution at length.

5. Having perused charge sheet, investigation papers and say filed on behalf of the prosecution minutely. Indeed, in present

crime charge sheet is placed before the Court and it is stand over for further due deliberation and trial. As such investigation is completed. Instant case rotates around the incident dt.27/06/2021 wherein the accused aggressively assaulted the injured Pravin by giving blow of knife over his stomach and thus attempted to commit his murder. According to prosecution, the assault was so probable that by said act it would have caused death and the accused would be guilty of murder. Entire case papers *prima facie* tilts in favour of the prosecution. A dangerous weapon like knife allegedly used in the crime. Entire set of statements of witnesses flatly supports the case of the prosecution. It is apparent that accused is a history sheeter. Many offences are lodged against him. Although, he is acquitted from many of the cases, but the offending nature of the accused *prima facie* come into fore. Serious injury is observed over the person of the injured. In his earlier bail application this Court has categorically observed that, this case is an exception wherein trial requires to be conducted by keeping accused behind the bars. As such till filing of present application so also, amid hearing the exceptional change in circumstances from the date of passing of earlier bail application are not broadly brought on record. There is no change shown while moving instant bail application. In the event the earlier findings of this Court remains intact. There is every possibility that post releasing from the jail the accused would again indulge in similar crimes as he is apparently habitual offender. Apogee of all above circumstances I believe at present there is no specific reason to enlarge accused upon bail. The alleged offence is serious and contemplates severe punishment for the same. More so, at present there is likelihood that if applicant/accused is released on bail, by his conduct he may cause impediment in the trial. In the contingency the accused do not deserve bail at the moment. Hence, the order.

(3)

ORDER

Application stands rejected.

Date : 15/12/2022.

(Amit Anant Laulkar)
Additional Sessions Judge,
Yavatmal.