

MHCC020064642021



**IN THE COURT OF SESSIONS FOR GREATER BOMBAY
AT BOMBAY**

**ORDER BELOW EXHIBIT 6
IN
S.C.NO.468 OF 2021
(CNR NO.MHCC02-006464-2021)**

Manish Mallesh Khandagale @ Mallaya

UT No.MB 244, 475

Taloja Central Prison,

Kharghar, Navi Mumbai – 410 210

....Applicant/Accused

Vs.

State of Maharashtra

(Through R.A.K. Marg Police

in Crime No.2/2020)

.... Respondents.

Adv Ms. B.Sharda for applicant/accused No.3

APP Mr. Shankar Erande for State.

**CORAM: HH THE ADDL.SSESSIONS JUDGE
SMT.C.V.PATIL
(Court Room No.27)**

DATE : 1st August, 2022.

ORDER

1. The accused Manish Mallesh Khandagale @ Mallaya filed application for bail and submitted that his two co-accused are already released on bail. However from last two years, he is behind bar, there is no progress in the trial. No recovery, no admitted evidence, therefore he is also asking bail on the ground of parity.

2. Prosecution objected bail application with reason that the role of accused is narrated by informant as well as victim of the incident. From F.I.R. and statement of victim it appears that on 30/12/2019 there was some incident between accused no.1 Rajesh and victim. Accused Rajesh got anger and therefore on 01/01/2020, he came to beat the victim with his three colleagues by name Sumit, Manish and Kamal. The accused Sumit and Manish are already released on bail. The accused Manish has asked bail on the ground of parity. Offence is punishable u/s. 307, 323, 504 r.w. 34 of IPC is registered at RAK Marg police station against the accused. Charge-sheet is already filed. Because of irregular production of accused from the jail authority as well as irregular attendance of the accused who are already enlarged on bail trial could not proceed ahead. On perusal of role attributed by accused it appears that the accused Rajesh has assaulted to victim by fist blows, hand and kick blows. The accused Kamal has assaulted victim by pelting stones. The accused Manish @ Chimu i.e. present accused has assaulted him with bamboo, accordingly victim has sustained injuries. The medical certificate discloses injury is grievous as well as simple in nature. The weapon shown for causing injury is bamboo, the same weapon has been used by accused in commission of

offence. However from 2020 there is no progress in the trial and the case will take its own time. Already two accused are enlarged on bail, therefore considering role attributed by him in the commission of offence it is same role like accused Kamal who is already enlarged on bail and therefore on the ground of parity, this accused is also entitled for bail. Accordingly following order is passed.

ORDER

1. Cri. Bail Application **Exh.6** is allowed.
2. Applicant/accused no. 3 **Manish Mallesh Khandagale @ Mallya** be released on bail on his executing PR bond of Rs. 25,000/- (Rupees Twenty-five Thousand) with one or more sureties of like amount.
3. The applicant shall not leave India without prior permission of Trial Court.
4. Applicant shall not tamper prosecution evidence in any manner.
5. Applicant is directed to attend Trial Court regularly.
6. Breach of any conditions by the applicant shall result in cancellation of bail.
7. The applicant to furnish ID proof, registered address, phone number before Trial Court/I.O.
8. Thus, Cri. Bail Application **Exh.6** stands disposed of.

(Smt.C.V.Patil)
Addl.Sessions Judge,
City Civil & Sessions Court,
Gr. Mumbai

01/08/2022

Date of Dictation : 01/08/2022
Date of Transcription : 01/08/2022
Date of signature : 01/08/2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”		
Upload Date	Upload Time	Name of Stenographer
03/08/2022	5.25 p.m.	Mrs.M. S. Putta
Name of the Judge (With Court Room No.)		HHJ Smt. C.V.Patil (CR 27)
Date of Pronouncement of JUDGEMENT /ORDER		01/08/2022
JUDGEMENT /ORDER signed by P.O. on		03/08/2022
JUDGEMENT /ORDER uploaded on		03/08/2022

