

CNR No. MHNS010000522022

Order below Exh.1 in Cri. Bail Application No.18/2022.

(Ablu Mukunda Fasale Vs. State)

Present application is moved by the applicant-accused Ablu Mukunda Fasale for releasing on bail under section 439 of Cr.P.C., in connection with CR No.430/2021 registered with Harsul Police Station for the offence U/sec. 307, 326,325,504 r.w.s.34 of Indian Penal Code, (hereinafter referred to as “the IPC” for short)

2. It is stated in the application that alleged first informant has lodged the report against applicant-accused and his wife in respect of the alleged incident dated 6.12.2021 at about 3.30 p.m. and in the quarrel between both the parties first informant and his father sustained grievous injuries and therefore, the applicant-accused alongwith his wife arrested in present crime. It is stated in the application that no serious injury there as alleged by the prosecution. The applicant-accused is local resident and agriculturist, his children are now in their house as both the husband and wife are in jail, therefore, nobody is there to look after these children. The applicant-accused is ready to abide all condition laid down by this court. Therefore, prayed that applicant-accused may be released on bail.

3. Application is opposed by the State by stating that both the injured have sustained grievous injuries and there is sufficient material to hold that section 307 IPC is made out. Hence, prayed to reject the application.

4. Perused the record. Heard learned counsel Shri. P.R. Shejwal for the applicant-accused. He submitted that alleged incident took place on spur of movement, there are no criminal antecedent of the present applicant-accused. The role attributed to the applicant-

accused is assault on the leg of Pandu Rama Fasale and therefore, he submitted that no offence under section 307 of IPC is made out against this applicant-accused. More so due to languish in jail since his arrest, both applicant and his wife, their children are literary on the street and nobody look after to them. They are agriculturist and local residents. They have roots in the society and therefore, no purpose would be served by keeping the applicant-accused behind the bar as investigation is completed.

5. Thus, on the background of this situation that the injured have suffered grievous injuries the injury to Govinda Fasale are of temporal region, parietal region on head and eye brow. Pandu Fasale also suffered injury to parietal region including other injuries. So far as the role of the present applicant-accused is concerned from the FIR and other documents placed on record, both husband and wife attacked on these injured person and there are no reason for them to attack severally to prosecution witnesses and therefore, applicant-accused and his wife lost their temper and severally attacked on this prosecution witnesses and therefore, prosecution has rightly applied section 307 of IPC to the present crime. At this stage of investigation present application is devoid of merit. Earlier application moved by the wife of this applicant-accused is rejected and there is no special reason for this applicant-accused to grant bail application. Hence, following order is passed.

ORDER

- 1) Bail application No.18/2022 is hereby rejected.
- 2) Inform concerned police station.

Date. 18.01.2022

(M.A. Shinde)
Additional Sessions Judge-8,
Nashik.

