

Order below Exh.1 in Cri. Bail Application No.6/2022.

{ Somnath Dinkar Pithe Vs. State }

This is an application under section 439 of the Criminal Procedure Code for grant of bail pending trial.

2. The present application is moved by the applicant Somnath Dinkar Pithe praying to release him on bail in connection with the CR No.100/2021 registered with Kalwan Police Station under section 307,323,504,506 r.w.s.34 of the Indian Penal Code on 30.10.2021 with the alleged incident of attempt to commit murder of victim on 29.10.2021.

3. It is stated in the application that, applicant-accused was arrested on 1.11.2021 and was remanded to PCR till 5.11.2021 and since then he is in MCR. It is also stated in the application that applicant-accused is local resident and no criminal antecedent, he will remain present in the court as and when required the court, he will co-operate with the police station, no offence has been committed by applicant-accused alleged in the FIR, first informant is not his wife. Therefore, these and other grounds set out in the application, prayed to allow the application.

4. I.O. appeared in the case and filed say and objected the bail application stating that the offence is against woman and she is under tress since the incident and accused will threaten the first informant. Accused was residing with first informant as *Ghar Javai* with her parents and therefore, objected the application.

5. Heard, both the parties. The learned counsel Smt. M.S. Pawar submitted that the applicant-accused is not husband of the

first informant. The first informant has performed two marriages prior to the incident and therefore, she has habit to implicate the persons in false case. She further submitted that there is no relationship as husband and wife with first informant. She further submitted that false case is filed against the applicant-accused. The spot of incident is populated and therefore, no such incident occurred as alleged in the FIR and therefore, prayed to allow the application.

6. On the other hand learned APP Shri. Suryvanshi submitted that applicant-accused is main culprit of the offence. He took the first informant at the base of Markendey mountain and tried to murder her and with the help of his companion. First informant was rescued by the local persons otherwise the applicant-accused had planned to commit murder of the first informant with the help of other companions i.e. accused. Hence, prayed to reject the application.

7. I have gone through the entire record. First informant has disclosed the entire incident that applicant-accused is her husband and he took her below the base of Markendey mountain and with the help of his two friends, he tried to kill her when she raised cry all accused ran away from the spot.

8. I have also gone through the case diary produced by the I.O., which disclosed prima-facie role of present applicant-accused in the crime. Investigation is in progress. No case is made out by the applicant-accused. The bail applications of other accused were already rejected by this court. Considering the above situation, application is devoid of merit. Therefore, following order is passed.

ORDER

1. Bail Application No.6/2022 is hereby rejected.
2. Inform all the concerned accordingly.

Date: 21.01.2022

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