

Order below Exh.1 in Cri. Bail Application No. 159/2022

Santosh Mansing Dhamal

.. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Satpur Police Station, Nashik.
(Cr. No.I 168/2021)

.. Prosecution

Order below Exh.1.

1. This is the first bail application filed by the applicant/accused after filing of Chargesheet, under section **439 of Cr.P.C.** for releasing him on **regular bail** in the aforesaid Crime registered at Satpur Police Station for the offence punishable under section 307, 324, 323, 504, 506 of the IPC. His first bail application was rejected by this Court on 02.12.2021.

2. According to the prosecution case, the FIR was lodged by one Bhausahab Bhimaji Jadhav alleging therein that on 6.11.2021, accused had assaulted his son Sagar Jadhav with knife on his neck and stomach. As a result of the said assault, his son received grievous injuries and was admitted in the Civil Hospital. There was no previous enmity between his son and

the accused, just because he had intervened in the quarrel in between the applicant, his brother and mother, the applicant got annoyed and assaulted his son on vital parts of his body threatening danger to his life.

Based on the report of complainant, the offence was registered and applicant was arrested on 07.11.2021 and since then, he is languishing in judicial custody.

3. The Id. Counsel Shri A.K.Kale has submitted that applicant is innocent and has no concern with the alleged offence. He has been falsely implicated in the case. The applicant has cooperated with the investigating officer while he was in custody and now, his further detention is not required. The investigation is over and charge-sheet is filed. He is ready to abide by each and every condition if any imposed by this Court while releasing him on bail. Lastly, he prayed for grant of bail.

4. The investigating officer has resisted the application by filing his reply at Exh.5 and opposed the application on the ground that if he is released on bail, he may again commit the similar offence and shall pressurize the witnesses and tamper with the evidence. Hence, prayed for rejection of the application.

The Id. APP Smt. Aparna Patil has strongly opposed

the application stating that the act committed by the applicant is serious in nature and if he is released on bail, he may create terror in the locality and may tamper with evidence. He has assaulted on the neck endangering the life of a person and hence prayed for rejection of the application.

4. After hearing both the sides and on going through the papers, it appears that applicant had assaulted the son of the complainant on vital parts of his body i.e. neck and stomach. Similar offence relating to human body u/s. 326 of IPC is previously registered against him. Though the offence is serious in nature but considering the fact that investigation is over and charge-sheet is filed and so also the Pandemic situation in the Country, it is not possible to conclude the trial in near future. Considering the nature offence, I am inclined to release applicant on bail with stringent conditions. Hence following Order.

O r d e r

1. Application is hereby allowed.
2. Applicant/ accused – Santosh Mansing Dhamal shall be released on **regular bail** on furnishing his P.R.bond of Rs.20,000/- with one or more sureties in the like amount.

He shall -

- (a) not act in manner injurious to the interest of the prosecution.

(b) maintain law and order.

(c) furnish the address of his residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicant/accused commit breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

(Smt. S.S. Nair)

Addl. Sessions Judge-4, Nashik.

Date : 09.02.2022.