

CNR No. MHNS010003682022

Order below Exh.1 in Cri. Bail Application No.154/2022.

(Somnath Dinkar Pithe Vs. State)

and

CNR No. MHNS010064472021

Order below Exh.1 in Cri. Bail Application No.1740/2021.

(Ravindra @ Pintya Somnath Shevare Vs. State)

Common Order below Exh.1.

The present second bail applications are moved by the applicants-accused, under section 439 of Cr.P.C. to release them 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 (hereinafter referred to as the IPC for short).

2. It is stated in the applications are that the accused are in MCR, charge-sheet is filed. The allegation made against them particularly under section 307 of IPC are not attracted from the fact of the present case. The applicants-accused claimed that they are in jail since last more than 3 months and therefore, prayed to release them on bail.

3. Perused the record. Heard both the parties. I.O. is present and submitted his report.

4. So far as bail application moved by applicant-accused Somnath Pithe in Cri. Bail Application No.154/2022, the learned counsel Smt. M.S. Pawar submitted that the first informant is not the wife of applicant-accused, a false and concocted case is filed against him. Applicant-accused is already married and have a child. He is residing with his wife and therefore, being the fact that charge-sheet is filed, applicant-accused may be released on

terms and conditions as deemed fit by this court on bail.

5. The application is opposed by the learned APP Shri. Suryavanshi that there is sufficient evidence collected against the applicant-accused, who is husband of first informant as per FIR. The applicant-accused is main culprit in the crime. He prepared a plan with the help of other two accused and attempted to commit murder of first informant in a remote place.

6. The learned APP has also pointed out the statement of witness Dhanraj Shrawan Gangurde, who help the victim/first informant from the spot of incident. The spot of incident is place of *Markendey rushi mountain* in a lonely place. After hearing the cry of the victim, he reached on the spot and saw that the first informant was tied up with a rope with *Karwand strab*. It was difficult for him to reach said place as it is covered by strab. She was crying and frightened, therefore, this witness informed the Police Patil of Babapur, Tal. Dindori, who guided him to take the injured to the base of the said mountain. Accordingly, ambulance was called and victim was given medical treatment at the Vani Rural Hospital.

7. I.O. has also pointed statement of another witness Mohan Laxman Wagh, who was acquainted with one of the accused Ravindra Shevare. Thus, from the entire evidence placed before this court particularly the charge-sheet, the present applicant-accused appears to be closely associated with the first informant though relationship between this applicant-accused and the first informant is denied by the learned counsel represented by

applicant-accused, however, as stated by the I.O. that the first wife of the applicant-accused is dead and second wife has one child and applicant-accused is residing with the said second wife and also residing with the first informant and thus, the intention behind the crime appears to be apparent to eliminate the first informant. He appears to be planned to commit murder of the present first informant. He near about was succeeded in carrying his plan, but same was disturbed when the victim raised cry and the accused ran away from the spot and subsequently first informant was rescued by the local persons and provided with medical treatment.

8. Thus, from the above fact, it is crystal clear that the plan of the applicant-accused is failed to commit murder of the first informant. So far as filing of charge-sheet is concerned, considering the above fact and particularly the background that this applicant-accused is residing with the first informant with her parents and therefore, the chances that this applicant-accused may influence or pressurize the first informant cannot be ruled out. Therefore, just because charge-sheet is filed, present applicant-accused being closely associated with first informant is not entitled to release on bail. Hence, his bail application is required to be rejected.

9. So far as another application moved by applicant-accused Ravindra @ Pintya Somnath Shevare is concerned, who represented by learned counsel Shri. L.R. Nikam has submitted that charge-sheet is filed and considering the role of the present applicant-accused, he may be released on bail. He pointed out

that applicant-accused is residing far away from the residence of the first informant as the first informant is residing at Wadwadi, Tal. Dindori, Dist. Nashik and this applicant-accused is residing at Bahaduri, Tal. Chandwad, Dist. Nashik. He submitted that this applicant-accused is ready to abide the conditions laid down by this court and considering his role, he may be enlarged on bail as charge-sheet is filed in the court.

10. The learned APP opposed the application stating that his role is also vital in commission of crime. This applicant-accused has given effect to the plan prepared by the accused Somnath Pithe and was with him till the first informant raised cry for help, therefore, he submitted that application may be rejected.

11. I.O. has pointed that the present applicant-accused was in-conversant with one of the witness Mohan Laxman Wagh. On perusal of the statement of this witness, it appears that he has identified this applicant-accused who was present on the spot near the said Markenday mountain and as this accused was earlier working for grazing cattles with one Bagul in his village. Therefore, I.O. has submitted that this itself is sufficient to hold that this applicant-accused is also involved and was present on the spot alongwith other accused and therefore, submitted that application may be rejected.

12. I have carefully gone through the record. There is no doubt that present applicant-accused has involved in commission of crime alongwith the accused No.1. However, one fact must not be ignored that this applicant-accused is residing at Bahaduri, Tal. Chandwad, which is at the distance of 90 KM from Vadwadi, Tal.

Dindori, where the first informant is residing. Therefore, considering this situation and the fact that charge-sheet is filed, necessary conditions can be laid down. Hence, bail application of this applicant-accused needs to be allowed. In the result, following order is passed.

ORDER

1. Bail Application No.154/2022 is hereby rejected.
2. Bail Application No.1740/2021 is allowed.
3. Applicant-accused Ravindra @ Pintya Somnath Shevare 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 be released on bail on execution of P.R. bond of Rs.50,000/- with solvent surety in like amount.
4. He shall not enter in the jurisdiction of Taluka Dindori, except to attend the Dindori Court.
5. He shall not tamper the prosecution witnesses in any manner.
6. He shall furnish his address proof and mobile number of his two relatives.
7. In the event of breach of any of the conditions, his bail bonds shall be liable to be cancelled.
8. Bail in lower Court.

Date- 10.02.2022

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