

Order below Exh.1 in Cri. Bail Application No.258/2022.

{ Dnyaneshwar Balasaheb Dhase Vs. State }

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

2. This application is moved by the applicant Dnyaneshwar Balasaheb Dhase praying to release him on bail in connection with the CR No.391/2021 registered with Wavi Police Station under section 307,395,120(B) r.w.s.34 of the Indian Penal Code (hereinafter referred to as "IPC" for short).

3. The alleged incident occurred on 24.11.2021, the FIR was lodged on the same day. Applicant-accused was arrested on 27.12.2021 since then he in jail. It is also alleged in the application that earlier bail application No.7/2022 was rejected by this court, as investigation was in progress. This is a second bail application filed on the ground that charge-sheet is filed vide RCC 106/2022.

4. It is also stated in the application that, the only allegation against the applicant-accused is that he and other accused had telephone conversation with each other, however, there is nothing in the charge-sheet to connect the present applicant-accused to the said crime. Therefore, prayed to release the applicant-accused on bail.

5. The State opposed bail application and filed report Exh.5. The applicant-accused has engaged the other accused for commission of said crime. In the CDR report, applicant-accused send the message to one of the accused Pratik Sonawane on the day of incident. He has relative in the Maldhon village. In the previous election, he participated from opposite side against the first

informant and his relatives.

6. Heard, both parties. Perused the record.

7. The learned counsel Shri. Kasliwal submitted that there is absolutely no evidence against the applicant-accused to connect the present crime. He was not present on the spot. More so, charge-sheet is filed. Therefore, prayed to allow the bail application.

8. On the other hand, learned APP Shri. Suryavanshi opposed the application stating that the applicant-accused is the main culprit in the crime. He is architecture of the entire crime. He pointed out the police statements recorded during the course of investigation. Therefore, he prayed to reject the bail application.

9. On perusal of the entire record, it appears that, applicant-accused was running a Tiger Group in the area and he had participated in previous election of village Maldhon from the opposite side of the first informant and he himself has planned the entire crime and give effect to the same with the help of other accused. In this case not only Section 395, but also Section 307 of IPC is also applied by the police. The father of the first informant had sustained multiple fracture/grievous injuries as seen from the injury certificate dated 24.11.2021. The witnesses have made statement to that effect that the applicant-accused has his Tiger Group in the village and he actively participate in the local politics and he himself had planned the said crime. Thus, considering the fact that the applicant-accused is the brain behind the said crime and therefore, though charge-sheet is filed the same cannot be the ground to release the applicant-accused on bail, considering the seriousness of the crime. Hence, application is devoid of merit. Accordingly, I pass the following order.

ORDER

1. Bail Application No.258/2022 is hereby rejected.
2. Inform all the concerned accordingly.

Date: 07.03.2022

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