

S.T. No. 111/2024

State ..Vs. Vijay @ Sonu Sange.

ORDER BELOW EXHIBIT No. 36.

[Passed on 17th August, 2026]

The applicant/accused Vijay @ Sonu S/o Mahendra Sange has moved this application through his Counsel under Section 483 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 for grant of regular bail. Accused is charge sheeted in Crime No.54/2024, P.S.O. P.S. Ramdaspath, Akola for the offences punishable under sections 302 of IPC.

2) Details of the case and the information is submitted by Nanda Mahendra Sange, the mother of the applicant/accused supported with her affidavit in the present application as per the directions of Hon'ble Supreme Court in case of Zeba Khan Vs State of U.P. & Others 2026 INSC 144.

3) By way of present application, it has been contended by accused that on 13.01.2024 one Nitin Prakash Kamelu lodged false complaint with Ramdaspath Police Station alleging that he was informed by one Sartaj Shaikh that his elder brother Manoj Kamelu was assaulted by means of knife by the accused behind the Hotel City Pride near Railway Station, Akola and he was seriously

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injured and lying there. So, he went on the spot and saw that his brother is succumbed to death. On the basis of this complaint crime No. 54/2024 has been registered for the offence punishable under section 302 of the IPC. The accused arrested on 13.01.2024 and was remanded to PCR. Since then he is behind the bar.

4) It is further contended that the accused has earlier filed bail application before the Sessions Court which was rejected on 16.09.2025. Thereafter he has filed bail application before the Hon'ble High Court Nagpur Bench Nagpur vide Cril. Bail Appn. No. 1229/2004. However it was withdrawn on 28.07.2026 with liberty to file fresh bail application on medical ground.

5) It is further contended that the knife alleged to have been recovered from him has no mention in the panchanama about the blood stained on the knife. Now nothing is to be recovered from the accused. There is only one eye witness Sartaj Shaikh who has committed suicide. The charge sheet is filed after rejection of the previous bail application, there is change in circumstances. The accused is suffering from kidney stone and requires urgent treatment in the private hospital. He is ready to abide by all conditions of the Court. Hence, prayed to release him on regular bail.

6) On the other hand the application has been strongly

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objected by the I.O. and learned APP for the State by filing say vide Exhibit 39. Ld. App for the state submitted that if the accused is released on bail, he may tamper the prosecution witnesses and pressurize them. So also he may flee away and create hurdle in the trial. Hence, prayed to reject the application.

7) Perused the record and the statements of the witnesses. Upon perusal of the statement of witness namely Sartaj Sultan Shaikh who according to the Ld. Counsel for the accused has expired due to committing suicide. Prima facie shows he has witnessed the incident of alleged murder of the victim and he was accompanying him when the accused allegedly came there with holding knife in his hands and later committed the murder. Though it is alleged that this witness is expired at this juncture there is nothing on record to substantiate this argument of Ld. Counsel for the accused. Thus, I find that prima facie there is strong material involving the accused in the present crime.

8) The Ld. Counsel for the accused has relied on the decision of Hon'ble Bombay High Court in **Mohd. Jamil Rais Ahmed Momin .Vs. State of Maharashtra, Bail Application No.4056/2025, decided on 10th November, 2025**. In this case the applicant had prayed to release him on medical bail for period of six months on terms. The accused therein was involved in the offences punishable under the Narcotic Drugs and Psychotropic

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Substance Act, 1985 (NDPS Act). The accused therein was suffering from multiple serious ailments including amputation. As such he was suffering from serious medical ailments. Therefore the Hon'ble High Court was pleased to release him for a period of six months on bail with a direction to surrender to the jail authorities after this stipulated period.

9) The next authorities relied upon by the Ld. Counsel for the accused are **(i) Dheeraj Wadhawan Vs. CBI, Bail Application No.2040/2024, decided on 9th September, 2024 by Hon'ble Delhi High Court** and **(ii) Naresh Goyal Vs. Directorate of Enforcement, Mumbai and other, Bail Application No. 1901 of 2024, decided by Hon'ble Bombay High Court on 6th May 2024.** I have perused both these decisions of Hon'ble High Courts. However, the offences therein levelled against the accused were registered by the ED for committing economic offences and under the PMLA Act. However, the case in hand is of serious nature under section 302 of the IPC. The gravity of the offences is different. So also the medical ailments of the accused persons therein and in the case in hand. Therefore, with great respect I hold that the same cannot be applied to the case in hand.

10) However, in the case in hand the accused is facing serious and heinous offence punishable under section 302 of the IPC for which the prescribed punishment is life or death. Upon

perusing the case papers and specially the postmortem report as pointed out by the Ld. APP for the state it prima facie shows 53 stab wounds on the vital parts of the person of the victim. There are criminal antecedents also against the accused. In the case in hand it is alleged that the accused is suffering kidney stone issue and for which he has been treated by the jail authorities in Government Hospitals.

11) However, considering the gravity of the matter in hand, though the trial has begun and material witness informant has been examined. The Ld. Counsel for the accused has argued that the material witness Sartaj has committed suicide and as such only Government Officials are remained to be examined. Therefore, the accused be released on bail. However, considering the gravity of the matter, the manner in which the offence is committed and also though the Ld. advocate for the accused submitted that the material eye witness committed suicide. At this juncture there is nothing to make out this fact prima facie. Hence, I find that the submission of the Ld. Counsel for the accused to release the accused on bail is not considerable. So also, I hold that though he has relied on the authorities mentioned supra the facts and the circumstances therein and that of the case in hand are totally different. Therefore with great respect I hold that the authorities cited supra on behalf of the accused cannot be applied to the case in hand.

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12) If the accused is released on bail possibility of tampering of witnesses, fleeing away and also committing similar offence cannot be ruled out. So also if the accused is released on bail it would send wrong message in the society.

13) Thus, for aforesaid reasons I find that the accused is not entitled for grant of regular bail. For the treatment purpose the jail authority are directed to take the accused at the Nagpur Government Hospital also if required for further treatment. Hence, following order is passed.

ORDER

- (1) The bail application (Exhibit 36) stands rejected.
- (2) The jail authority are directed that for the treatment purpose if required to take the accused at the Nagpur Government Hospital for further treatment.
- (3) Concern clerk is directed to issue letter to the Jail Authority accordingly.

Date : 17.08.2026.
Akola.

(Smt. S. R. Gaikwad)
Additional Sessions Judge, Akola.

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Certificate

I hereby certify that the contents of this PDF File are same word for word as per original order.

Name of Steno	: S.V. Indane.
Court's name	: Ad-hoc Dist. Judge-1 & ASJ, Akola.
Date of Order	: 17.08.2026.
Signed by Presiding Officer on	: 17.08.2026.
Uploaded on	: 17.08.2026.