

MHAM190002872024



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-1, WARUD,
(Presided over by A.A. Panchbhai)

ORDER BELOW EXH.23 IN SESSIONS CASE NO. 10/2024
State of Maharashtra -vs- Saurabh Ganesh Kapse

**Offence punishable under Section 302, 201 of Indian Penal Code in
CR. No.444/2023 of Police Station Morshi.**

01] This is the bail application on behalf of the applicant / accused for releasing on bail, and with a note that this is the third bail application. It is pertinent to note here that offence punishable in this case is under Section 302, 201 of Indian Penal Code in CR. No.444/2023 of Police Station Morshi.

The brief facts of the prosecution's case are as follows :-

02] That, for five to six days complainant's daughter was not picking up the phone and neither her two grandsons. Later the house was found locked and it was stinking. Then later they found out that her daughter Nilima and one grandson Ayush was murdered by another grandson Saurabh, and he had concealed the two dead bodies in the Diwan and hence FIR was lodged. During investigation it was found that drugs were used to kill these two persons. The muddemal seized by the police were sent to chemical analyzer, and it was found out that the drugs which killed these two persons were purchased

from medical agencies (shops) by the accused person who had also searched Youtube, Google and caused the death of these two person by using this anesthetic drugs. Hence police arrested the accused person and charge sheet is filed against him.

03] A.P.P. has filed his say on the overleaf page and strongly opposed the application and that there was possibility of tampering witnesses apart-from strong case against the accused person and therefore application be rejected.

04] Heard Ld. APP and the Ld. Counsel for the accused person at length.

Reasons and Analysis :-

05] The accused person's counsel has relied authority of **Bharat Lahudkar ..vs.. State of Maharashtra, decided on 16/04/2025**, in which the Hon'ble Single judge of the Bombay High Court had held that the prosecution witnesses which were eight in numbers had not supported the prosecution's case. There were several witnesses and admittedly there was delay in trial and it would take time to conclude the trial, hence the application was allowed.

06] The case law is not applicable, as in the present case the four witnesses that have been examined had supported the prosecution's case, except the complainant who is accused person's grandmother, supporting fully. However the circumstantial evidence given by her is supporting prosecution's case, she admitted that the lock which was

put in the house, it's key were with deceased Nilima and her two sons, out of which one is deceased. She has turned hostile, but other witnesses have given sufficient circumstantial evidence specifically PW-3 Vaibhav Gadekar and Asst. Chemical Analyzer Dadarao Bansode. The merit of their evidence can not be discussed at this stage, but PW-3's version shows the presence of accused with the deceased persons and there is a last seen theory. The PW-4 has given the details of anesthetic drugs found in the various exhibits like I.V. set etc. which were used to supply saline and which was seized from the spot, which can be the result of death of the deceased persons.

07] There are statements given by other witnesses to the police who are yet to be examined who have given specific statement about accused person purchasing anesthetic drugs from their shops. The bodies were concealed in Diwan for five-six days which were detected by neighbors, after the house was stinking and was surrounded by flies and there is no explanation by preponderance of probability, about the death of these two persons as to how they died when only injecting sucrose / sucrose salines by accused person through his friend is not disputed. Therefore there is enough circumstantial evidence on record to connect the accused person with the crime. His complicity is there. Even if any dangerous weapon is not used, and there is no eye witness does not make a case, that there is no any involvement of the present accused person. He had directed his friend to leave after some time and before the saline were completely injected, and thereafter these two persons have died. So there is a very small gap between last seen together and the death of these two people. Therefore the above case

law is not applicable.

08] Be that as it may, not only there is a prima-facie case against the accused person, his role is clearly spelt out. Though there are no eye witnesses to the incidence, the circumstantial evidence is pointing to the guilt of the accused person, prima-facie. Therefore as the serious offence is revealed which is punishable with death, and the materials on the record in the form of charge sheet, suggests, that the accused person would be severely punishable if sent to the trial. Therefore, the bail application is not justified and it is hereby rejected. Therefore, following final order is passed as under :-

ORDER

The bail application is hereby rejected.

(A.A. Panchbhai)

Date : 23/01/2026.

Addl. Sessions Judge-1, Warud.