

1 Sessions Case No.20/2025
State Vs. Rohit @ Lakki Ratan Shillak
Vs State of Maharashtra
(Order below Exh. 16)

MHBI180000992025



ORDER BELOW EXH. 16

This is an application for regular bail filed under Section 483 of B.N.S.S. by accused /Applicant Rohit @ Lakki Ratan Shillak in Crime No. 107/2024 for offence punishable under Section 302, 120(B), 107, r/w 34 of Indian Penal Code registered with Kaij Police Station.

2. Brief facts of the case as per FIR are that there was property dispute between the family of accused and the family of deceased, as they are close relatives. There was civil dispute pending before the Civil Court regarding some properties. The accused and his family were insisting the deceased to withdraw the civil suit. On 05/03/2024 at about 7.45 a.m. the deceased Giridharilal was going to Ganpati Temple from Kanadi road, Kaij. At that time, accused Rohit @ Lakki Ratan Shillak on the count of old dispute assaulted the said Girdharilal. The deceased received bodily injuries by Sattur. Thereafter, the deceased was taken to the hospital, but he was brought 'dead'. on the basis of said information, offence has been registered at police station, Kaij. The present accused and other accused are arrested. Presently, the charge-sheet is filed.

3. As per accused, he is innocent and falsely implication in the

crime. Prima facie no case is made out against the accused. The accused is only earning members of the family. There is inconsistency in the statement of so called eye witnesses. Due to property dispute, the accused has been falsely implicated. There is delay in FIR for about 6 to 7 hours. The other accused are already released on bail. Therefore, on the ground of parity, the applicant is also entitled for bail. Reliance has been put on the judgments of Hon'ble High Court in case of **Manthan Arjun Dhulap Vs. State of Maharashtra, DLD-(cri.)2024-2956**, **Vitthal Keshav More Vs. The State of Maharashtra, DLD(Cri)-2024-2927**, **Subhash Sakharamji Bhakre Vs. State of Maharashtra, DLD-(Cri.)2022-1351**, **Sachin Bhimrao Naik Vs. State of Maharashtra, DLD-(Cri.)2024-3103**, **Sunil Kunjilal Harode Vs. State of Maharashtra, in Criminal Bail Application No. 72 of 2025 decided on 27/02/2025** and **Abha Kailas Ughade Vs. State of Maharashtra DLD-(Cri.)2024-3552**.

4. The application has been opposed by the prosecution by filing their say. As per prosecution, offence is serious and the eye witnesses consistently, stated the role of accused to the investigating officer. As per prosecution, if the accused is released on bail, then it will hamper the trial, as the witnesses may be threatened. The prosecution prayed for rejection of the bail application.

5. Heard both side at length. After going through the bail application as well as charge-sheet, it appears that in all 19 injuries were found on the body of deceased Giridharilal. The so called attack on deceased is in broad day light and in the public place, when the

3 Sessions Case No.20/2025
State Vs. Rohit @ Lakki Ratan Shillak
Vs State of Maharashtra
(Order below Exh. 16)

deceased was going for prayer at temple. No doubt, the so called eye witness Laxmi and Suraj are the relatives of the deceased but Nitin, Kailas, Harshal, Jyotiram and Ashok are the independent witnesses. Their statement shows that they are the eye witnesses to the incident that the present accused caused injuries by using Sattur to the deceased.

6. The property dispute is also one of the motive and intention behind the death of the Giridharilal. I have gone through the Judgments of the Hon'ble High Court cited by the accused. In case of Manthan, Subhash and Sachin, the Hon'ble High Court granted the bail by observing that the so called incident occurred due to sudden provocation on spur of moment. In a case in hand, the accused was threatening to the deceased for withdrawal of the civil suit and also threatened the deceased. This shows that the death of deceased is not caused by sudden provocation and in spur of moment. In case of Sunil, the Hon'ble Bombay High Court granted the bail by observing that the material witnesses are already examined. However, in the case in hand, the trial is yet to begin. In case of Abha, the Hon'ble Bombay High Court granted bail on the ground of parity. However, in the case in hand, the present accused was present on the spot, who assaulted the deceased by using sattur. In case of Vitthal Keshav More, the Hon'ble Bombay High Court granted bail to the accused due to long period of incarceration in jail. The injuries caused by said Sattur resulted into death of the deceased. In such circumstances, parity is not applicable to the case of present

accused. At this stage, the evidence is yet to begin. There is sufficient material against the accused. In such circumstances, accused is not entitled for bail. Hence, I proceed to pass the following order;

ORDER

Application is rejected.

Date : 16.06.2025.
Place: Kaji.

(S.B. Bhajipale)
Addl. Sessions Judge, Kaij

CERTIFICATE

"I affirm that the contents of this PDF file are word to word as per original Judgment/order."

(N.K. Jojare)
Steno

Dictated On : 16.06.2025.
Transcribed on : 16.06.2025.
Checked & signed on : 16.06.2025.

