

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, DHULE.

(Presided over by Mr.D.M.Aher)

Application Exh.10

In

Sessions Case No.24/2023.

(CNR No.MHDH010003682023)

(Jagtarsing Shergir V/s. The State of Maharashtra)

ORDER

The applicants/accused Jagtarsing @ Sodhi Jagirsing Shergir, Suryaprakash Jaiprakash Pande, Omprakash Mahavirprasad Mehariya and Aashish Omprakash Yadav have prayed for regular bail vide Section – 483 of B.N.S.S. in connection with C.R.No.251/2022 registered at Dhule City police station, U/Sec.364, 302, 397, 201, 120(B) r/w.34 of I.P.C.. I have read the grounds mentioned in applications.

2. The Investigating Officer and learned A.P.P. opposed the application vide say Exh.11.

Accusations :

3. Deceased Deepak was the husband of informant Vaneeta. They used to reside at Chittod road, Dhule. Deceased Deepak was possessing Swift Dezire car No.MH-18/BC-5967. He used to carry passengers in the said car on hire. On 28.08.2022 the applicants/accused were stayed at Suyog Lodge, Dhule. They were intending to go to Bhopal, Madhya Pradesh. On 28.08.2022 at about 07.00 p.m., the applicants/accused hire the swift car of deceased Deepak for going to Bhopal, Madhya Pradesh. In the said night, deceased Deepak

was left Dhule with applicants/accused in his car. Informant Vaneeta was in contact with deceased Deepak by mobile phone. On 29.08.2022 in the morning, the mobile phone of deceased Deepak was in switched OFF condition. Deceased Deepak did not return to the house. Hence, on 29.08.2022, informant Vaneeta lodged the missing report of deceased Deepak at Dhule City police station.

4. On 30.08.2022 in the morning, the dead body of deceased Deepak was found in one field within the limits of Shikarpura police station, Madhya Pradesh. Informant Vaneeta and her relatives identified the dead body. There was head injury to deceased Deepak. The valuables from his person and his swift car were missing. Informant Vaneeta realized that the applicants/accused robbed the valuables from deceased Deepak, committed his murder and took his swift car. Hence, she lodged the report at Dhule City police station. The crime came to be registered.

5. On 05.09.2022, the police team of Sardar City police station, Dist.Churu, Rajasthan intercepted the applicants/accused with the car of deceased Deepak and with pistol, magazines, swords, wooden rods etc.. The applicants/accused came to be transferred and arrested in the crime registered at Dhule City police station. After investigation the police filed chargesheet. Presently, the applicants/accused are in judicial custody.

Submissions :

6. The learned advocate Mr.B.B.Waghmare for the applicants/accused submits that there is no eye witness to the incident. He submits that there is also no evidence to show that the applicants/accused had hired the car of deceased Deepak. He submits that the applicants/accused are arrested on suspicion. He submits that deceased Deepak used to carry passengers in the swift car and some other passengers might have killed him. He submits that there are no eye witness and hence there is no possibility of tampering the witnesses. He submits that the circumstantial evidence is of weak nature. He submits that the applicants/accused are in jail from last two years. He submits that applicants/accused will attend the trial. Hence, he prayed to allow the application.

7. None appeared on behalf of State for argument. Hence, the reply Exh.14 is treated as argument of State.

Reasons :

8. I have perused the chargesheet and papers. It is clear that the dead body of deceased Deepak was found in one field within the limits of Shikarpura police station, Madhya Pradesh. The inquest panchanama shows injuries on the head and face of deceased Deepak. The P.M.Report shows that Deepak died due to head injury. Thus, prima facie Deepak seems to be died homicidal death.

9. It is true that there is no eye witness to the incident. However, there is following circumstantial evidence against the applicants/accused.

(a) There is C.C.Tv. footage of Suyog Lodge, Dhule to show that from 26.08.2022 till 07.30 p.m. of 29.08.2022, the applicants/accused were staying at Suyog Lodge, Dhule.

(b) There is test identification parade of applicants/accused by Suyog Lodge Manager Mr.Praffulla Sonawane. As per the memorandums of T.I.P, Praffulla Sonawane had identified all the applicants/accused.

(c) There is statement of lodge manager Praffulla Sonawane and Sharad Marathe to the effect that on 29.08.2022 at 07.00 p.m. the applicants/accused had hired swift car of deceased Deepak for going to Madhya Pradesh. There is statement of informant Vaneeta that deceased Deepak told her on phone that he is carrying applicants/accused in the car and he sent his photographs with applicants/accused on her mobile phone. The said photographs are collected during the investigation. This material prima facie shows that deceased Deepak was lastly seen in the company of applicants/accused. On 29.08.2022 in the noon, the dead body of deceased Deepak was found in the field within the limits of Shikarpura police station, Burhanpur. This circumstance prima facie implicates the applicants/accused in the crime.

(d) The papers show that on 05.09.2022 the police team of Sardar city police station, Churu, Rajasthan, intercepted the applicants/accused with swift car of deceased Deepak. I-card of deceased Deepak also found in the car. There is no

explanation by the applicants/accused as to how they came in possession of swift car of deceased Deepak. Prima facie this circumstance is of conclusive nature to connect the applicants/accused with the crime.

(e) The papers show that pursuant to the disclosure statement of applicants/accused Jagtarsingh, iron rod used in the crime is recovered.

10. Thus, there is prima facie evidence against the applicants/accused to show their involvement in the murder of Deepak Dabhade. The offence of murder U/Sec.302 of I.P.C. is serious. It is punishable by death or imprisonment for life. Considering the nature and gravity of the offence, applicants/accused cannot be granted bail. The applicants/accused have previous criminal history. The papers show that the another two crimes U/Sec.302 of I.P.C. and 399, 401 of I.P.C. are registered against applicants/accused and they are facing trial in the State of Rajasthan. Apart from this, the applicants/accused Jagtarsingh is resident of Punjab state, applicants/accused Suryaprakash and Aashish are resident of Uttar Pradesh and applicant/accused Omprakash is resident of Rajasthan. If they are released on bail, they are likely to abscond and to flee from justice. Considering all these aspects, I am not inclined to grant bail to the applicants/accused.

11. It is necessary to mention that the charge is already framed against the accused through video conferencing. The

trial can be proceeded with. Therefore, the detention of applicants/accused for the period of two years is no ground to grant bail. The application is liable to be rejected. Hence, the following order.

12. The application Exh.10 stands rejected.

Date : 04.01.2025.

(D.M.Aher)
Additional Sessions Judge
(Court No.5), Dhule.

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CERTIFICATE

I certify that the contents of this P.D.F. File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.
Name of the Court : Court of District Judge-5,Dhule
Order directly typed on dias : 04.01.2025.
computer.
Order checked and signed by: 04.01.2025.
Presiding Officer
P.D.F. Uploading Date : 04.01.2025.

Sd/- xxx
Stenographer(Grade-I)