

**ORDER PASSED BELOW EXH. 978 IN S. C. NO. 103 /2018****(State V/s. Harshal @ Dadu Ravindra Patil, (Accused No. 3)**

01. Applicant/Accused No. 3 has filed this **third** application seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 75 of 2018 registered with West-Deopur Police Station, District Dhule, for the offence punishable under Sections 143, 147, 148, 302, r/w 120-B, 307, 341, 201 r/w 149, of IPC, and Sections 37 (1) (3) / 135 of Bombay Police Act which is numbered as Sessions Case No. 103/2018 pending on the file of this Court.

02. The applicant has been arraigned as an accused in an offence of double murder. It is alleged by prosecution that applicant accused No. 3 along with other 12 accused persons have hatched a conspiracy to eliminate Raosaheb Patil and his son Vaibhav Patil and the duo has been killed on a public street in a broad day light. Applicant was arrested in June-2018 i.e. around seven years and two months back. In the due course charge-sheet has been filed and the matter is pending. Regular Bail Applications filed by applicant were rejected up to Hon'ble Supreme Court.

03. The applicant is claiming bail mainly on the ground that he is falsely implicated in the crime. On perusal of FIR, there is absolutely no specific allegations made against him. There is no recovery or discovery at the instance of applicant. The evidence of prosecution is completed and the statements of all accused persons u/s 313 of the CrPC have been recorded. Since 09/06/2018 the applicant is behind bars. There is no need of his incarceration.

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The Hon'ble Supreme Court enlarged accused Darshan Pardeshi on bail in SLP (Criminal) No. 8489 of 2025. Therefore, the applicant also deserves to be released on bail on the ground of parity. There is no possibility of the applicant to interfere in the process of investigation. He is permanent resident at the address mentioned in the cause title. Therefore, there is no possibility of his abscondence. He is ready to abide by every condition imposed by the Court while enlarging him on bail.

04. The prosecution opposed the application by filing reply through A.P.I. West Deopur Police Station at Exh. 982 on the ground that, as per memorandum statement of the applicant, the weapon used in the commission of offence is recovered and it is evidence against him. On 28/04/2020, the accused persons in the present case committed affray in the District Prison, Dhule. Crime No. 106/2020 p/u/s 160 of the IPC is registered against them in Dhule City Police Station and there is no improvement in their behaviour. There is possibility of abscondence of applicant if enlarged on bail. The Hon'ble High Court and Hon'ble Supreme Court have already rejected the bail applications submitted by the applicant. Thus, prayed for rejection of the application.

05. Informant filed reply at Exh. 983 and opposed the application on the ground that the application is not tenable. The applicant has not submitted the details of bail application and order passed thereon. On this ground only, the bail application is liable to be rejected. It is further submitted that on 21/05/2020

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and 29/04/2023 the bail applications filed by the applicant vide Exh. 102 and 505 have been rejected. The evidence in respect of the active participation of the applicant in the crime is come on record through the evidence of prosecution witnesses. As per the statement of applicant, Kukri used in the commission of the offence, is seized in presence of panchas. The trial is at the fag end. Thus, prayed for rejection of application.

06. Heard both the sides. Perused record. In the bail application in Para No. 4, it is submitted that this is the first bail application of the applicant. Record shows that the bail applications of the applicant filed vide Exh. 102 and 505 are rejected by this Court. Thus, it appears that misleading statement is made in application.

07. Admittedly, the matter is posted for the cross examination of DW 2 since 31/05/2025. Record also shows that the matter was pending since 19/06/2025 for providing soft copies of CCTV Footage contained in Article 'B', 'C' and 'D' relied upon by the learned Advocate of accused No.11. On 11/08/2025 the report submitted by the Computer Section reveals that Hard disc in Article 'D' could not get repair even by private Computer Technician and therefore, its copy could not be provided to prosecution. Now, it is for the prosecution and defence to take further effective steps for completion of trial.

08. The Hon'ble Supreme Court vide order dated

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25/07/2025 in Cri. Appeal No. 3288 of 2025 (arising out of SLP (Criminal) No. 8489/2025) in its inherent power has enlarged the accused Darshan Ambadas Pardeshi on bail subject to such terms and conditions that may be imposed by this court. Therefore, ground of parity is not available to the applicant. If the applicant is enlarged on bail at this stage, it will certainly create hurdles in the conclusion of the trial.

9. In **Santosh Pralhad Waghmare Vs. The State of Maharashtra Bail Application No. 180/2024 dated 07/02/2025** relied upon by the learned Advocate of the applicant, the accused was behind bars since 07 years 10 months and 12 days and it is observed that there is no probability of completion of trial, the case being based on circumstantial evidence. In that circumstances, he was enlarged on bail. In the case in hand, as per prosecution, there is direct evidence against the accused persons. The trial is at its fag end. It is likely to be completed within short period. Hence, I am of the opinion that, the applicant is not entitled for his release on bail in spite of his long incarceration. Resultantly, I pass the following order :-

**ORDER**

Application is rejected.

Dhule  
Date: 14/08/2025

*Dab 141819*  
(Jayshri R. Pulate)  
Additional Sessions Judge-4,  
Dhule.