

ORDER PASSED BELOW EXH. 996 IN S. C. NO. 103 /2018**(State V/s. Bhushan Nimba Pagare (Accused No. 13))**

01. Applicant/Accused No. 13 has filed this **fifth** 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. 13 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 October-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. He is not named in the FIR. The evidence of prosecution is completed and the

statements of all accused persons u/s 313 of the CrPC have been recorded. Since 13/10/2018 the applicant is behind bars. There is no need of his incarceration. The Hon'ble Supreme Court enlarged accused Darshan Pardeshi on bail in SLP (Criminal) No. 8489 of 2025. The role of accused Darshan Pardeshi and of the applicant is exactly similar. Therefore, the applicant also deserves to be released on bail on the ground of parity. He is the only bread winner of the family. Prolonged incarceration of applicant violets his right under Article 21 of the Constitution. 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. 1007 on the ground that, there is sufficient 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 has already rejected the bail applications submitted by the applicant. Thus, prayed for rejection of the application.

05. Informant filed reply at Exh. 1006 and opposed the application on the ground that the application is not tenable. The applicant has not submitted the details of earlier bail applications

filed by him and orders passed thereon. On this ground only, the bail application is liable to be rejected. It is further submitted that on 11/07/2018, 17/06/2019, 30/06/2023 and 21/05/2020 the bail applications filed by the applicant vide Exh. 47, 535 & 112 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. The trial is at the fag end. Thus, prayed for rejection of application.

06. Heard both the sides. Perused record. In the bail application nothing is mentioned about the earlier bail applications filed by the applicant and the orders passed thereon. Record shows that the bail applications of the applicant filed vide Exh. 47, 112 & 535 are rejected by this Court.

07. Admittedly, the matter is posted for the cross examination of DW 2 since 31/05/2025. It is now partly completed. 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

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. The witnesses identified the present applicant in T. I. Parade by touching him because they saw him at the time of incident. Thus, there is prima-facie direct evidence as regards the involvement of the applicant in the crime. 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. 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: 10/09/2025

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

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I certify that the contents of this PDF File are word to word as per original Judgment/Order.

Name of the Steno	: Pravin R. Pande,
Name of the Court	: Additional Sessions Judge, Dhule
Judgment delivered on	: 10/09/2025
Judgment signed by P.O.	: 10/09/2025
PDF Uploading Date	: 10/09/2025

Sd/-xx

Stenographer