

SESSIONS CASE NO.103/2018

Hrushikesh Shamkant Patil

-versus-

The State of Maharashtra

Order Below Exh.36

Accused Hrushikesh Shamkant Patil has sought bail under Section 439 of Cr.P.C. in connection with Crime No.75/2018 registered with Devpur(w) police station for the offences punishable under Section 302,307,341,201, 120(B),109,143,147,148,149 IPC., Section 4, 7/25 of Arms Act and Section 37(1)(3) r/w. 135 of The Bombay Police Act.

02. In short, facts of the case are as under;

This is a case of double murder on 08-06-2018. There were bickerings and disputes between two sides led by accused Bajirao Pawar and deceased Raosaheb Patil. Close relatives of both of them were aware of the dispute and under currents. On 08-06-2018 informant Prashant Patil who is younger brother of deceased Raosaheb received information from Hitesh Patil that accused Hrushikesh Patil followed him. Hitesh proceeded to give medicines to deceased Raosaheb so informant Prashant had suspicion of such information of pursuit and he immediately started to meet his brother Raosaheb. He was accompanied by his other relatives.

03. When they were proceeding in front of the house of accused Jayraj Patil, they found that accused Gaurav, Jayraj, Hrushikesh (present applicant), Sonu @ Vaibhav, Harshal @ Dadu,

Bhupesh @ Bhupendra and Bhushan intercepted deceased Raosaheb, his son Vaibhav and Harish Shinde while they were proceeding in Scorpio vehicle. Some witnesses saw that aforesaid accused persons committed brutal assault on Raosaheb and Vaibhav with deadly weapons like sword, scythe, Kukri and iron rod etc. The informant partly saw the incident. However, the other witnesses saw the entire incident. The accused persons dealt number of blows on vital body parts of Raosaheb and his son Vaibhav who succumbed to the incident. Both were taken to the hospital for medical treatment. Vaibhav was declared dead on arrival and Raosaheb died after some time. Prashant registered FIR at about 00-58 hours on 09-06-2018.

04. Offence came to be registered at C.R.No.75/2018 and investigation commenced. Accused were arrested in due course. After completion of investigation chargesheet was submitted. After committal the case has been assigned to this Court. Accused Hrushikesh Patil was arrested on 10-06-2018.

05. The State has opposed bail application on various grounds by filing say. The first informant has opposed the bail application by filing his say. Heard both sides at length.

06. Ld.Adv.Shri.C.D.Sonar for the accused has submitted that in FIR accused shown with sword which turned into knife in supplementary statement of informant recorded after three days. This shows that it is concocted story of participation of present applicant in the offence. Statements of witnesses are contradictory on the role of present applicant. He as well as his brother are behind bars. This is

first bail application. There is likelihood of delay in trial. No purpose will be served by keeping the accused in custody. Shri.Sonar has further submitted that it is strange that Scorpio vehicle was stopped despite the knowledge that the accused tried to intercept it and they had deadly weapons with them. It is further submitted that the Scorpio did not bear a single scratch which does not show use of stones to stop the vehicle. He has urged that settled parameters of bail laid down by Hon'ble Apex Court and Hon'ble High Court in various cases are applicable to present applicant. Accused is permanent resident of Dhule. He is ready to abide by conditions of bail.

07. Ld.PP Shri.D.Y.Tawar has submitted that there is ample evidence showing that present accused took active part in the incident of assault on both victims. Name of the accused appears in FIR with his active part. Eye witnesses have stated about his role. CDR details show that present applicant had constant talk with four accused prior to the incident as well as afterward. There is direct evidence regarding assault committed by knife which has been recovered in the investigation. Other accused persons stated about role of the applicant in their memorandum statements. The accused fled away after the incident.

08. Ld. Advocate Shri.N.G.Dusane has submitted written submissions. He has submitted that the informant and his relatives are constantly threatened. He has relied on printout taken from social media. He has supported submissions of Shri.Tavar on material aspects. According to him, present applicant is one of the main

assailants.

09. It is the case of brutal double murder. Brutality can be seen from the manner in which assault is committed and number of injuries sustained by both deceased. Deceased Raosaheb sustained 17 injuries on vital body parts and deceased Vaibhav sustained 16 injuries. The incident took place in broad day light at about 6-00pm and in residential area.

10. Though first informant Prashant Patil partially witnessed the incident. He and other eye witnesses like Harish, Hitesh, Omprakash mentioned about the presence and role of accused Hrushikesh in their police statements. Their statements show that accused Hrushikesh and other assailants carried deadly weapons like sword, knife, iron rod, kukri etc. with them. Present accused Hrushikesh dealt knife blows. So he is one of the main assailants. Furthermore, he kept watch on the movements of deceased.

11. Say filed by first informant has reproduced some CDR data from the police papers which shows that present accused Hrushikesh was constantly in touch of co-accused Jairaj, Harshal @ Dadu, Gaurav, Sandip Velis and Darshan Pardeshi. He made numerous cell phone calls to these co-accused on 07-06-2018 and 08-06-2018 before and after the incident. Thus, there is prima facie direct evidence as to involvement of the accused in the offence.

12. There are written complaints regarding threats given to the informant and other family members. Shri.Dusane has submitted printouts taken from social media in which veiled threats are given to

the informant while posting birthday wishes to accused Vaibhav Pawar. Present applicant is one of the main accused who committed actual assault and dealt deadly blows. Considering all these aspects, this is not fit case to grant bail to the accused. In the result, I pass following order.

ORDER

Application is rejected.

Sd/-

[A.D.Kshirsagar]

Addl. Sessions Judge, Dhule.

Date:-17-06-2019.

Certificate

I certify that the contents of this PDF file
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Name of the Steno : Nandkishor E.Kolhe
Name of the Court : Court of District Judge-3
& Addl. Sessions Judge, Dhule.
PDF Uploading Date : 17-06-2019.

Sd/-...
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