



IN THE COURT OF DISTRICT JUDGE-2 & ASJ, GONDIA.

S. T. CASE NO. 20/2025.
(CNR NO.MHGO010001242025)

State of Mah. -Vs- Bhimrao

ORDER BELOW EXH. 02

(Passed on this 29th day of April, 2025)

1. Present application is filed by applicant/accused by name **Bhimrao Dharma Sontake** under Section 483 of B.N.S.S. to release him on bail in Crime No.356/2024 registered with Police Station, Duggipar for offence punishable under Sections 103(1) of BNS.

Brief facts of the case are as under:

2. Applicant is husband of deceased Sadhana Bhimrao Sontake. Informant Rajkumar is son of applicant. He along with his wife and daughter was residing jointly with his parents at Khajari, Tah Sadak Arjuni. Applicant is of suspicious nature and was not allowing deceased Sadhana to go outside alone. He was suspecting about fidelity of Sadhana. He also told to deceased Sadhana one or two times in presence of informant that she had extra marital relation. On 01-10-2024 informant had been to his field and returned to home at about 8.00 am. After taking meal at about 10.00 am

he went to Khodshivani to attend painting work. On same day at about 5.30 pm he returned. His wife disclosed to him that his parents went to field at about 4.00 pm. After some time Police Patil Indraraj Raut had been to the house and told to informant that his father has committed murder of his mother in the field and his father went to Police Station Duggipar. Therefore, he along with Police Personnel of police station Duggipar and Police Patil went to the field and found that his mother was lying in the field near the Dhura facing the sky. Her footwear were found beside Dhura and blood stained spade was also found near Dhura. Thereafter dead body of mother of informant was sent to Rural Hospital, Sadak Arjuni. Informant had been to Police station Duggipar and found that Baniyan of his father was stained with blood and at that time he inquired with his father as to what happened. On that he told that he was having suspicion on his mother so he had assaulted her by means of spade in the field. Informant lodged report of incident in police station Duggipar. On the basis of his report offence under section 103(1) of BNS has been registered vide Crime No.356/2024. After completion of investigation complicity of applicant is revealed in the said crime so charge-sheet has been filed against him.

3. Applicant submits that deceased Sadhana died in the field due to attack of wild animal. Informant lodged report on the basis of suspicion. There is no eye-witness to the alleged incident. Even there is no last seen theory. There is no

report against the applicant about harassment of deceased Sadhana. The applicant submits that he is old aged man and suffering from unstable Angina and other diseases and therefore sought for his release on bail.

4. I.O filed say vide Exh.3 and opposed application on the ground that there is evidence showing prima-facie involvement of applicant in the said crime. Applicant has committed murder of his wife and in case of release of applicant on bail he would induce witnesses so as to dissuade them from adducing evidence. Therefore, he requested for rejection of bail application.

5. Ld. DGP filed say vide Exh.4 and opposed the application on the ground that there is ample evidence against applicant. Applicant after killing his wife informed to police and surrendered himself. Witnesses are relatives of the applicant and if he will be released on bail then there is possibility of threatening of witnesses and tampering evidence. Therefore, he requested to reject bail application.

6. Perused present application, say and record and proceeding of present case. Heard Ld. Advocate for accused/applicant and Ld. DGP

7. It is the case of circumstantial evidence. There is statement of daughter-in-law of the applicant showing that on

01-10-2024 at about 4.00 pm deceased Sadhana along with applicant went to field on bicycle. On the same day after 5.30 pm Police Patil of the village had been to the house of informant and informed that her father-in-law had killed her mother-in-law in the field. Witness Mitaram Raut had seen applicant on 01-10-2024 at about 4.30 pm on diversion road going towards Parsodi and found that baniyan of applicant was stained with blood. So also Surajlal Raut found at the same time applicant wearing baniyan which was stained with blood. Applicant has made extra judicial confession to informant and admitted to have killed his wife. Recovery of blood stained Baniyan is made from accused. Same has been forwarded for analysis to C.A for examination. Recovery of blood stained spade has been made. Medical Officer has opined that death of Sadhana was caused due to head injury. He found incise wound to her forehead and also found fracture on scalp. He also found multiple incise wounds. Medical Officer had opined that aforesaid injuries are possible due to spade which was produced for examination for the purpose of query report. There is prima-facie evidence showing complicity of applicant in the said crime. Witnesses in the present case are also close relatives. In case of release of applicant on bail possibility cannot be ruled out that he would dissuade them from adducing evidence before the court. The trial is yet to be commenced. So at this stage release of applicant on bail would certainly affect the prosecution case and possibility cannot be ruled out that

applicant would tamper prosecution evidence. In the facts of matter and considering gravity and seriousness of offence and when there is prima-facie sufficient evidence showing involvement of applicant in the said crime it is not desirable to exercise discretion to enlarge applicant on bail. Hence, I pass following order:

ORDER

- 1] Application [Exh.02] stands rejected.
- 2] Accordingly application stands disposed of.

Date:29-04-2025.

sd/-
(M. T. Asim)
Additional Sessions Judge,
Gondia.