

Order below Exh.59 in Sessions Case No.192 of 2021

(The state of Maharashtra Vs. Deepak Sonar and Ors.)

(CNR No. MH-JG-0400-3948-2021)

1] This is regular bail application filed by accused under Section 439 of the Code of Criminal Procedure for regular bail in Crime No.148 of 2021 registered with Ramanand Nagar Police Station, Jalgaon in respect of offence punishable under section 302, 498-A, 323, 504 and 506 r/w 34 of Indian Penal Code.

2] Initially crime was registered in offence punishable u/s. 302 of IPC against present applicant. On the report of informant Aryan Mukesh Sonar. According to his report, he was residing with his mother, grand mother and paternal uncle i.e. the present applicant. At that time he was studying in 8th standard. His father died on 31/08/2020 in accident. After demise of his father there were disputes between applicant and informant's mother on account of property. On 21/05/2021 informant's mother left house at 8.30 a.m. and she turned at 5.30 p.m. After returning house informant's mother started cooking and she gave meal to informant. Thereafter he went to play with his friends. At 8.30 p.m. informant's mother called in house, at 9.15 p.m. applicant was keeping the property papers in table drawer at that time informant's mother asked applicant, what he was doing. At that time applicant replied that informant's mother has no concern with the matter. Thereupon informant's mother told that were also kept there. Thereupon applicant told her that her papers might be kept in rear room and asked her to see those. Thereupon informant's mother asked informant what applicant was saying. Applicant told informant to give understanding to informant's mother and told him to ask her to go in rear

room. Thereafter my grand mother told my mother that those documents are of applicant. Informant's mother told his grand mother not to talk and thereupon applicant asked informant's mother not to speak loudly and he removed the cot and took axe from there and gave blow of axe on the head of informant's mother. At that time informant snatched axe from applicant and thrown it away. Informant's mother lying in the ground. Blood was oozing from her head. Hence this report.

3] The application is filed on the grounds that, applicant/accused is falsely implicated. The weapon i.e. axe was found not inside the house but was found on road at the distance of 6 ft. Experts did not find finger prints on said axe of applicant. The offence is not of murder but at the most it is a case of culpable homicide not amount of murder. Applicant is behind bars since 22/05/2021 i.e. more than two years. Investigation is completed and charge-sheet is filed. He may be released on bail.

4] On behalf of prosecution A.P.P. filed reply stating that, offence is serious in nature. In such situation chances are there that accused will pressurize the informant and witnesses. Hence, submitted to reject the application.

5] Informant filed say at Exh.61. Informant strongly objected the bail application of applicant that applicant murdered his mother on account of property. Due to fear of applicant informant is residing with his maternal uncle. If he released on bail he will tamper the evidence and witnesses. Hence submitted to reject the application.

6] Heard Ld. Advocate for applicant and learned APP.

7] Informant is the eye witness. Informant is the minor boy. There seems to be a property dispute. Chances are there of pressurizing on the witnesses by the applicant. I agree that informant has apprehension to his life from the applicant. I do not agree that at the most it is a case of culpable homicide not amounting to murder. On the contrary it seems that applicant was intending to commit murder of the deceased. Hence, applicant cannot be granted bail. I pass following order.

ORDER

Application is rejected.

Date - 07/09/2023

(B.S.Wavre)
Additional Sessions Judge,
Jalgaon.