

ORDER BELOW EXHIBIT NO. 6
IN SESSIONS CASE NO.137/2024
[State of Maharashtra Vs. Vilas Subhash Palode]

1. Accused Vilas Subhash Palode charge sheeted in Crime No.116/2024 registered by police station Paradh for offences punishable u/sec.103(1), 351(2), 352(3) of Bharatiya Nyay Sanhita, 2023 (Hereinafter referred to as 'B.N.S.' for short) is seeking regular bail.

2. Heard the learned advocate Shri.Y.S.Kharat appearing through legal Aid for the accused and the learned APP Smt.J.B.Solanke for the State.

3. The informant is one Laxmibai Subhash Palode. She gave report that in her field her husband Subhash Palode, accused son Vilas Palode, daughter-in-law Rukhman Palode, grand-daughter Arti and grand-son Rudra and Prasad were residing. Her husband used to go for labour work on yearly basis in the field of Madhukar Tejrao Sapkal. Her son used to be intoxicated to liquor and he always used to consume liquor and does not have any other work. On 06.07.2024 at 9.00 a.m.

informant and her daughter-in-law went to give manure to the crop in the field. At that time, her husband had gone to the field of Madhukar Sapkal. At that time, her son was alone at the home and was in influence of liquor.

4. It is further alleged that at 5.30 p.m. informant came home alongwith her daughter-in-law from the field, at that time, her son was sleeping and her husband was yet to come back from the work. At 7.30 p.m. informant, accused, informant's daughter-in-law and grand children took meal together at that time. At that time, accused had consumed liquor and was saying that he wanted to sell off the field and said to all of them that they should mutate the field in his name which was in the name of his father and if it is not done, he will kill his father and all of them. Informant alleged that as her son would sell off the land, her husband was not mutating the land in the name of her son. She alleged that earlier also 1 to 1-2 months back accused had thrown her husband from the terrace of the house, at that time, her husband had sustained serious injuries and was treated at Bhokardan Government Hospital. But informant did not give

police report and settled the matter at home. Further, after that every time accused used to quarrel for mutating the land in his name. It is alleged that after dinner accused and informant's daughter-in-law went in the backside room for sleeping. At that time informant and her ground children were sleeping in the front side room. Her husband had came from the field of Madhukar Sapkal and had already taken dinner at field of Madhukar Sapkal and informant opened the door for him. It is alleged that husband of the informant was sleeping in the cattle-shed and informant was lying awake.

5. It is further alleged by the informant that, at 11.00 to 11.30 p.m. her son got-up and went behind the house for toilet. After sometime, she hurled shout on her husband and she went immediately and found her husband lying down and blood coming from his head. At that time, accused was holding axe in his hand and went inside the room. She got scared and shouted. Her daughter-in-law and her grand-children got up and came. Accused was also standing and was muttering in influence of liquor. Accused was not allowing them to make phone-call to

anyone. At about 7.00 to 7.30 relatives came. The report being lodged, police registered offences u/sec.103(1), 351(2)(3) of B.N.S. and investigation commenced. The inquest panchnama was carried out by API Gusinge. Postmortem report was obtained with provisional cause of death as head injury. The column No.17 showing following injuries :-

(i) Laceration over left occipio temporal region measuring 9.5 x 3 cm. x Skull cavity deep. Brain tissue coming out form underneath skull fracture. Presence of Dark red Blood clot.

(ii) Laceration over left occipito – Temporal region 4 cm above injury No.(1) of size 7x2 cm x skull cavity deep with Brain tissue coming out form underneath skull fracture.

(iii) Laceration over left occipital region 2 c.m. Below injury No.(2) of size 5 x 2 c.m. x Skull cavity deep Brain tissue coming out from underneath. Skull fractures. Presnce of Dark red Blood clot.

6. In column No.18 following injuries are found:-

(i) Depressed Skull fracture Present underneath external injury No.(1) of column No.17.

(ii) Depressed Skull fracture Present underneath external injury No.(2) of column No.17.

(iii) Depressed Skull fracture Present underneath external injury No.(3) of column NO.17.

7. The accused was arrested on 07.07.2024 i.e. on the date of the report itself. His police custody remand was sought and he was remanded to police custody till 10.07.2024. On 08.07.2024 axe was discovered at his instance u/sec.23(2) of Bharatiya Saksha Adhiniyam (Hereinafter referred to as 'B.S.A.' for short). The weapon query was sought. The statement of witnesses were recorded including minor girl aged 16 years being daughter of the accused and her brother aged 13 years. Upon completion of investigation, charge sheet came to be filed.

8. The learned advocate Shri.Kharat contended that there is no other material except the statement of Laxmibai and the statement of Santosh Sapkal which is not believable. The charge sheet being already filed, accused be released on bail.

9. The learned APP Smt.J.B.Solanke opposed the application vehemently. She contended that there is strong

evidence which shows involvement of the accused. She points out from the paragraph No.1 of the report that which clearly evidence in this regard. She argued that accused was having grudge in the mind for not being allowed to sell the land and 1 to 1-2 months back he had pushed the deceased from the terrace. She points out that documents in that regard are collected which is useful in respect of this offence. She contends that even if the argument of the learned advocate for the accused is taken as it is there being evidence of the informant. The offence being of serious nature. There is no case made out for grant of bail.

10. I have gone through the charge sheet. It is alleged that applicant/accused has killed his own father for denying him the land to be mutate in his name as he was in intoxicated to liquor. There is material in the form of informant having seen the accused going out of the house for toilet and seen after hurling shout of the husband and of immediately going outside seeing accused and going inside the room with axe. The axe has been recovered at his instance u/sec.23(2) of B.S.A. having

blood mixed soil to it. It is not the case that he was intoxicated without his knowledge or he cannot hear. As such, there is no scope for invoking sec.23 of B.S.A. and general exceptions also. It being serious offence, even if the statement of Santosh Sapkal is seen, which show that at 6.00 a.m. Vilas Palode came to him and said that his father is lying in the cattle-shed and not waking-up on accompanied him finding deceased lying dead having two big injuries on the head, is taken out of the consideration for a moment, there is statement of informant also. As such no case is made for grant of bail. Hence, following order.

ORDER

Application Exh.6 for regular bail is hereby rejected.

Date :- 21.11.2024

(A.G.Joshi)
Addl. Sessions Judge,
Jalna