

MHKO010013332025



Order below Exh.17 in Session Case No.74/2025

(State of Maharashtra Vs. Harsh Dipak Dabhade & Anr.)

1. The applicant-accused No.1 is seeking bail under section 483 of the Bhartiya Nyaya Surakasha Sanhita, 2023.
2. The applicant-accused is charge-sheeted for the offence punishable under section 103(1), 238(A) read with section 3(5) of the Bhartiya Nyaya Sanhita, 2023 as well as section 4 r.w. 25 of the Arms Act.
3. The applicant has contended that, he has not committed any offence as alleged and he has been falsely implicated. Further, the informant is not the eye witness and the FIR is based on hearsay information. No specific role is attributed to the applicant in the FIR and the informant has subsequently changed the version and stated that, the accused no.2 attacked his brother. It is further contended that, nothing has to be seized from the applicant, the applicant has no criminal antecedents and he is ready to furnish surety as well as abide by the conditions that may be imposed. He has also stated that, he is the only earning member of his family and he is behind bars since December 2024,

and the Co-accused who is juvenile has already been released on bail.

4. The application is resisted by the State by filing say at Exh.18 on the grounds that, there is sufficient material showing the involvement of the applicant-accused, the offence is grave and there is possibility that, the applicant may flee from justice or tamper with the prosecution evidence. So also, he may commit similar offence, if released on bail.

5. The Ld. Advocate for the applicant vehemently submitted that, the deceased was himself juvenile- in-conflict with law and because of the act of the deceased, the applicant had to undergo treatment for the injuries sustained by him and the deceased was frequently threatening the applicant to kill. The Ld. Advocate further submitted that, there are various contradictions and inconsistencies in the material collected by the investigating officer and the applicant is behind bars since long without any progress in the trial.

6. Per contra, the Ld. APP submitted that, there is ample material connecting the applicant with the crime in question and the applicant is the prime accused. She also submitted that, the offence is grave and there is possibility that, the applicant may pressurize the witnesses, if released on bail.

7. I have given thoughtful consideration to the submissions made on behalf of the parties.

8. It is the prosecution case that, on 02/12/2024, the applicant in furtherance of common intention with the accused No.2 as well as juvenile in-conflict with law attacked the deceased by using scythe and caused grievous injuries on his head, neck, back and hands, thereby causing his death. The informant happens to be the cousin brother of the deceased and in the FIR, he has specifically stated that, he had seen his cousin lying in the pool of blood and the persons namely Harsh Dabade, Vivek Dabade (respectively the applicant and accused no.2) as well as the juvenile- in -conflict with law were dealing with blows of scythe on his person. During the investigation, the investigating officer has recorded statement of some eye witnesses to the effect that, the applicant and co-accused were giving blows of scythe to the deceased. The investigating officer has also recorded statement of the concerned blacksmith from whom the weapons used in the offence were purchased. Besides, one blood stained scythe has been recorded pursuant to the confessional statement made by the applicant-accused. The post-mortem examination report shows that, multiple injuries were caused to the deceased and he died due to 'hemorrhagic shock due to Polly-trauma'. There is opinion of the concerned medical officer to the effect that, the injuries found on the persons of the deceased could be caused by the seized weapon. Thus, there is material on record showing prima facie involvement and active participation of the applicant in the commission of the crime. The offence is grave and provides for the maximum punishment prescribed under the B. N. S.

Discharge on bail of the juvenile- in- conflict with law cannot be advanced as ground for parity by the applicant-accused. Charge is framed. Considering the gravity of the offence, I do not deem it fit to enlarge the applicant on bail and the application is liable to be rejected. Hence, the following order :

ORDER

The application is rejected.

Kolhapur.

Date : 04/04/2026.

(R. V. Utpat)

Additional Sessions Judge,
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs.S.R.Tambvekar
Name of Court	Mr. R. V. Utpat Additional Sessions Judge, Kolhapur.
Date of Dictation	04/04/2026.
Order signed by the P.O. on	05/04/2026.
Order uploaded on	05/04/2026.