



**ORDER PASSED BELOW EXH.13 IN  
SESSIONS CASE NO.14/2024**

This is an application filed by applicant/accused No.5 Prathmesh @ Gotya Ananda Mane for bail U/s. 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) in Crime No.191/2024 for the offence punishable U/s.302 @ 120B read with 34 of the Indian Penal Code, registered at police station Jaysingpur (Sessions Case No.14/2024) .

**2] Facts in brief are as under :-**

Complainant Netaji Chavan resides with his family at Jaysingpur Dist.Kolhapur. He is civil engineer by profession. Deceased Sachin was his brother. Earlier complainant, Sachin and their family was residing at Sangli. At present complainant is doing railway bridge work at Sangli. Earlier there was murder of Datta Patole and crime No.103/2020 for the offence punishable under section 302 of the Indian Penal Code was registered at police station MIDC, Kupwad. In that case, complainant's brother Sachin was accused. Therefore, Patole's have grudge against family of complainant and therefore, they have shifted to Jaysingpur. Prior to one month of the incident, Sachin was released on bail. Sachin was residing with complainant. Because of terror of Patole, complainant did not use to permit Sachin to go alone outside the house.

3] According to prosecution, on 11-04-2024, at about 9.30 am, Sachin went with his friend Sandesh Ghagare @ Sandy on his motorcycle bearing No.MH-10-DP-0795 to meet his friend at Asta Dist.Sangli. At 12.00 noon, complainant made phone call to Sachin

and at that time Sachin had told that he and Sandesh came to meet their friend Gajanan Gavali at Asta. Then at about 5.15 pm, complainant received phone call from the friend of Sachin namely Sonya @ Bapu and he asked to the complainant whether Sachin has quarrel with anyone and where is Sachin. Complainant informed to him that Sachin went with Sandesh. Thereafter, Sandesh was taken on conference and Sandesh told that Sachin dropped him at Kupwad and went on his motorcycle to Jaysingpur. Thereafter, complainant made phone call to Sachin but his phone was busy. Accordingly, at 5.30 pm, complainant was coming from Nadhav Nagar, Sangli to Jaysingpur. At the relevant time, he was taking search of his brother. He reached near Khot petrol pump around 6.00 pm. He saw that people were gathered near Prabhat Rolling Shutters/Engineering works. He also saw the motorcycle bearing No.MH-10-DP-0795. He entered in the said shop and saw that his brother Sachin was lying in the pool of blood. He came to know that Sachin was assaulted by sharp weapon on his head, back etc. His two ears were broken, his right paw was separated from his hand. The blood was oozing from his head and ear. He went to police station. Police informed him that they arrested accused Sahil Samalivale and Parshuram Bajantri. They also told that other accused ran away. The motive of the crime was earlier dispute between Datta Patole and Sachin. Accordingly, complainant lodged report in the police station.

4] On the report, crime was registered and investigation was started. During investigation, police seized weapons from the accused. Panchanamas were prepared. Statements of witnesses were also recorded. The muddemal was sent to chemical analyzer, Kolhapur and after completion of investigation, chargesheet came to be filed against accused. It is alleged that accused No.1 to 6 conspired

to commit the murder of Sachin and all the accused were present on the spot. After the incident, immediately people gathered on the spot and therefore, accused ran away from the spot.

5] Mr.R.P Pawar, advocate for the accused submitted that earlier FIR was registered against accused No.1 Sahil and accused No.2 Parshuram. The prosecution story is that accused No.1 and 2 assaulted to deceased. No specific role of the present accused is mentioned. He further submitted that according to prosecution story after the incident people arrived, police van came and present accused, other accused except accused No.1 and 2 ran away from the spot. Prosecution alleged that accused No.1 to 6 had criminal conspiracy to commit murder of deceased Sachin Chavan. It is submitted that bail application of accused No.6 is allowed by the Hon'ble High Court. The role attributed to the present accused and accused No.6 is same. Therefore, accused is entitled for bail on the principle of parity. He prayed to release the accused on bail.

6] Mr. U.M.Kulkarni, learned APP for the state submitted that offence is serious. Accused No.1 to 6 conspired to commit murder of Sachin Chavan. If the accused is released on bail, then he will abscond. He prayed to reject the application.

7] I have perused the chargesheet. It is alleged that all accused followed the deceased and at Udgaon in the shop of fabrication, accused No.1 and 2 assaulted him by sharp weapons. It is alleged that accused No.3 to 6 were present and after incident immediately people gathered. Police vehicle came and they caught accused No.1 and 2 on the spot. The remaining accused ran away from the spot. Here in the present case, there is no recovery of any weapon from the

present accused. Accused No.6 Gajanan had filed bail application No.5198 of 2024 before the Hon'ble High Court. The Hon'ble High Court in para No.7 observed that,

The allegations against the applicant are of conspiracy. There are no other criminal antecedents against the applicant. Considering the nature of allegations against the applicant, I am inclined to release him on bail.

8] From the police papers, it is transpired that the role of present accused and accused No.6 Gajanan Sargar is same. Hence, I find that present accused is entitled for bail on the principle of parity. Therefore, the following order.

**:: ORDER ::**

- (1) Application is allowed.
- (2) Applicant/accused namely Prathmesh @ Gotya Ananda Mane be released on execution of P.B. and S.B. of Rs.25,000/- with one or two sureties in the like amount in Crime No.191/2024 for the offence punishable U/s.302 and 120B read with 34 of the Indian Penal Code, registered at police station Jaysingpur, on the conditions that-
  - (a) The applicant shall not enter into the limits of Sangli district, except to attend the dates of court.
  - (b) He shall not commit any other crime.
- (3) Application is disposed off.

Jaysingpur.  
Dt.: 05-08-2025.

( G.B. Gurao )  
Additional Sessions Judge,  
Jaysingpur.