

MH/A010043382023



**IN THE COURT OF SESSIONS, LATUR, AT LATUR
(Present : S.T. Tripathi)**

SESSIONS CASE NO.149/2023

- 1) Pooja w/o.Hanmant Kathare,
Age.30 Yrs, Occ.H.H.
R/o. Jod-Jawala Tq. Latur,
Now R/o. Thombare Nagar,
Murud, Tq. & Dist. Latur.
- 2) Dattatray s/o. Nagnath Londhe,
Age. 55 Yrs, Occ.Agri;
R/o.Jagaji, Tq. & Dist.Osmanabad. ..Applicants/Accused
1 & 4

Versus

The State of Maharashtra,
Through Gategaon Police Station,
Tq. Dist. Latur. ..Respondent/State.

APPEARENCE:

Mr.M.B.Jadhav, Learned Adv. for the applicant.

Mr. S.V.Deshpande, Learned D.G.P. for the Respondent/State.

Order below Exh.12

This bail application is under Section 439 of the Cr.P.C. for allegedly committing murder of husband by his wife along with her mother and two contract killers in connection with C.R.108/2023 registered with Gategaon Police Station, District Latur u/ss.302, 341 and 504 read with 34 of The Indian Penal Code (IPC).

2. Mr.Jadhav, learned advocate for the applicant/accused 1 and 4 submits that applicants are innocent and they have been falsely implicated in the alleged crime. There is no eye witness in this case. Investigation is complete and charge sheet has been filed. Applicants have no

previous criminal antecedents. There is no evidence against applicants to involve them in the present crime. They are ready to abide by any of the terms and conditions to be imposed by this Court. They have got fixed and permanent place of residence. No purpose would be served by keeping them behind the bar. Hence, he prays for bail.

3. Mr. Deshpande learned A.P.P. by filing pursis (Exh.24) adopted say (Exh.25) filed by Investigating Officer (I.O.). The Learned A.P.P. has strongly objected this application on the grounds that offence is serious. Accused with common intention hatched conspiracy and committed murder of deceased Hanmant Katare. Applicant/accused 1 & 4 may hamper, tamper or pressurize prosecution witnesses or evidence. Accused 1 Pooja is wife of deceased Hanmant and accused 4 Dattatrya is a contract killer. Mere filing of charge sheet does not amount to change in the circumstances. There may be possibility of serious offence. Hence, he prays that it be rejected.

4. As per the version in the F.I.R. lodged by accused 1 Pooja that prior to 15 years deceased has purchased agricultural land at village Ekurga from Janardhan More. The sister of deceased Janabai married with Shrimant Ghute resident of village Ekurga, Tq. Dist. Latur. Prior to 15 years Shrimant Ghute performed second marriage with Sunita and they are residing at village Ekurga. Due to performance of second marriage of Shrimant, sister of deceased is residing at village Jodjawala. Civil dispute is pending in Court between Shrimant and sister of deceased in respect of partition of agricultural land. Accused 1 Pooja alleged that on 18.07.2023 at about 11:30 a.m. informant along with her deceased husband Hanmant were proceeding to their field on

motorcycle. At about 12:00 p.m. under the railway bridge on Dhakani road Shrimant and one unknown person stopped their motorcycle and Shrimant started abusing them on the count of agricultural land dispute. Shrimant pushed motorcycle of deceased and they fell down. Shrimant hit by koyta (iron long knife) 3 to 4 times on the head of her deceased husband Hanmant. The unknown person who was accompanied with Shrimant gave stick blow on the head and legs of deceased and went away. Thereafter informant called her relatives and they shifted deceased Hanmant in the Government Hospital at Latur wherein doctor declared him dead. Hence, accused 1 Pooja lodged F.I.R. on the basis of which above C.R. came to be registered. Accused Shrimant was arrested.

However, there was complete twist when informant accused 1 Pooja, wife of deceased revealed in the investigation that she is the main culprit for committing murder of her husband. Hence, accused Shrimant was discharged u/s. 169 of the Cr.P.C. It is revealed in the investigation that deceased was suspecting the character of the informant accused 1 his wife. Hence, to eliminate him she hatched conspiracy to give contract to kill him. Accused 1 Pooja handed over her gold ornaments to her mother accused 2 Nirmalabai who sold out her gold ornaments. Out of its sell proceeds or by arranging money from her they paid Rs.One Lac to accused 3 Rajendra. Accused 1 Pooja as a pillion rider brought the deceased on motorcycle after intimating this fact to accused 3 Rajendra. Accused 2 her mother who was on the bridge pointed him to accused 3 Rajendra and accused 4 Dattatrya near the bridge. Accused 3 Rajendra gave blow by black colour weapon on head and accused 4 Dattatrya inflicted blow by wooden log on the leg of the deceased due to which he succumbed to the injuries.

5. Heard both the sides. Perused record. Prosecution story reveals that informant accused 1 is daughter of accused 2. Accused 3 and 4 are the contract killers. Prosecution witnesses state about the direct involvement of the accused. Accused 1 Pooja wife of deceased with common intention hatched the conspiracy with her mother accused 2 along with accused 3 and 4 and gave Rs.One Lac to kill the deceased husband of accused 1 and murdered him. Police papers reveals that she was present on the spot. She had carried the deceased as a pillion rider on motorcycle. She has succeeded in her plan to murder her husband along with accused 2 to 4. She has furnished false information to the Police in filmy style and thereafter it is revealed in the investigation that she is the main culprit. This is a barbaric case of murder by wife of her husband who was allegedly suspecting her character. Accused 4 is a contract killer who was hired at the instance of accused 3 Rajendra and had inflicted multiple blows on the persons of the deceased to succum to the injury. There is direct involvement of the present applicants. The offence is serious and punishable with death or life imprisonment. Muddemal property i.e. black colour iron pipe has been recovered at the instance of accused 3 Rajendra. Charge sheet has been filed. In the investigation it transpires that accused 1 and 4 along with accused 2 and 3 with common intention hatched the conspiracy and committed murder of deceased Hanmant on the count that deceased Hanmant used to beat informant Pooja on suspicioun of her character. Present applicants have actively participted in the Crime. Present applicant/accused 1 along with accused 2 her mother Nirmala paid Rs.One Lac and gave contract to accused 3 & 4 to kill deceased Hanmant. The role of the applicants is major Merely filing of charge sheet cannot be considered as ground to release them on bail. Post mortem report reveals

that deceased had sustained head injury which is a vital part of the body. Postmortem report reveals that there are multiple injuries on the person of the deceased. In the circumstance, the contention canvassed by learned advocate by the accused that there is difference with regard to the injuries sustained and role of participation of accused can be conveniently dealt with in the trial and not at this stage. Offence is exclusively triable by the Court of sessions. Applicants may hamper, tamper or pressurize prosecution witnesses or evidence. Applicants have not made out case for bail. Consequently, I am not inclined to exercise my discretion in favour of the applicants. Hence, order.

ORDER

This application stands rejected.

Date:04.01.2024.

(S.T.Tripathi)
Additional Sessions Judge,
Latur.