

MHLLA010043382023



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

SESSIONS CASE NO.149/2023

Rajendra s/o.Vidyadhar Nitale,
Age.547 Yrs, Occ.Labour,
R/o.Borgaon Kale, Latur,
Tq. & Dist. Latur.

..Applicant/Accused 3

Versus

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

..Respondent/State.

APPEARENCE:

Mr.S.M.Bavage, Learned Adv. for the applicant.

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

Order below Exh.26

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.Bavage, learned advocate for the applicant/accused 3 submits that applicant is innocent and he has been falsely implicated. There is no eye witness in this case. Charge sheet has been filed after completion of investigation. He is ready to abide by any of the terms and conditions to be imposed by this Court. He has got fixed and permanent place of residence. No purpose would be served by keeping him behind the bar. He is a man of family. He has no previous criminal antecedent. Hence, he prays for bail.

3. Learned D.G.P. Mr..Deshpande by filing pursis (Exh.31) adopted say (Exh.30) 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 3 may hamper, tamper or pressurize prosecution witnesses or evidence. Present applicant and accused 1 Pooja and accused 2 her mother are known to each other. 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 agriultural 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 Pooja his wife. Hence, to eliminate him she hatched conspiracy to give contract to kill him. Accused 1 Pooja and her mother accused 2 Nirmalabai sold out her gold ornaments. They paid Rs.One Lac to the present applicant accused 3 Rajendra who hired accused 4 Dattatrya. Accused 1 Pooja as a pillion rider brought the deceased on motorcycle. 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 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 and 2 mother and daughter with common intention hatched the conspiracy and gave Rs.One Lac to kill deceased husband of accused 1 and murdered him. Police papers reveals all the accused were present on the spot. Accused 1 Pooja as a pillion rider brought the deceased on motorcycle. She had signald the accused 3 Rajendra and accused 4 Dattatrya to kill

deceased who was on motorcycle with accused 1 his wife. Present applicant/accused 3 has accepted Rs.One Lac from accused 1 and 2 to kill him. He is known to accused 1 and 2. There is direct involvement of the present applicant. The offence is serious and punishable with death or life imprisonment. Muddemal property i.e. one black colour iron pipe, has been recovered at the instance of the present applicant. Charge sheet has been filed. In the investigation it transpires that accused 1 and 2 hatched conspiracy and with common intention paid Rs.One lac to the present applicant to kill deceased Hanmant on the count that deceased Hanmant used to beat informant/accused 1 Pooja on suspicious on her character. Present applicant has actively participated in the Crime. The role of the applicant is major. He is the prime accused. Merely filing of charge sheet cannot be considered as ground to release him on bail. Post mortem report reveals that deceased had sustained head injury which is a vital part of the body. It also shows that multiple injuries have been caused on the person of deceased. In the circumstance, the contention canvassed by learned advocate by accused that there is the 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. Applicant may hamper, tamper or pressurize prosecution witnesses or evidence. Applicant has not made out case for bail. Consequently, I am not inclined to exercise my discretion in favour of applicant. Hence, order.

ORDER

This application stands rejected.

Date:04.01.2024.

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