

Sessions Case No. 27 of 2023

The State

Vs.Jagdish Bhaskar Sangamnere
Sandip Bhaskar Sangamnere
Yogesh Jagdish Sangamnere**Order Below Exh.06.**

(Passed on 12 th December, 2023)

1. The applicants / accused **No.3** Jagdish Bhaskar Sangamnere, **No.4** Sandip Bhaskar Sangamnere and **No.5** Yogesh Jagdish Sangamnere have preferred present application, after filing of charge-sheet, under Section 439 of the Criminal Procedure Code for grant of bail in Crime No. 35/2023 registered at Saikheda Police Station against them for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code (Sessions Case No.27 of 2023)

2. It is the case of the prosecution that informant Ashpak Ibrahim Shakh lodged complaint at Saikhdea police station stating therein that on 11/02/2023 stating therein that he is Member of Grampanchayat, Saikheda. On 11/02/2023 in the evening at about 05.35 p.m., two boys came to his house and informed him that one gunny bag is flouting in a Godavari river behind Ganganagar Devi Temple. Therefore, the informant rushed towards the spot of incident. He saw blue coloured jeans pant in the said gunny bag. Therefore, he informed Saikheda police station. Police came to the spot of incident and the said gunny bag was removed from the river.

Police found two pieces of body of a male kept in two separate gunny bags, in the said gunny bags, head of male body was kept in one gunny bag and other part of body was kept in another gunny bag. Approximate age of the male body was 28 to 30 years. The informant also described clothes on the person of the said body and other details. On the basis of above-said complaint, above-said crime came to be registered against an unknown person. During the investigation, it was revealed that the said body was of one Hitesh. He sold his mobile to Sharad Shinde and again take back the same and abused Sharad Shinde under influence of liquor. On that count, Alim Latif Shaikh gave blow of iron rod on the head of deceased Hitesh and accused Sharad Shinde cut his head with the help of axe and killed him. Thereafter, they called owner of the agricultural land Jagdish Bhaskar Sangamnere, Sandip Bhaskar Sangamnere and Yogesh Jagdish Sangamnere and with the help of them, they kept pieces of body of Hitesh in gunny bag and carried the same in Swift Car owned by Jagdish Sangamnere and had thrown the same in Godavari river near Saikheda. After completing the investigation, charge-sheet has been filed against the accused in the Court.

3. Learned Advocates for the accused / applicants vehemently submitted that allegations against present accused are in respect of causing disappearance of evidence under Section 201 of IPC. And the same isailable. The accused are falsely implicated in this crime. Present accused / applicant are admittedly not involved in commission of offence of murder. Therefore, present applicants /

accused are entitled to be released on bail. Investigation of the crime is over, charge-sheet has been filed against the accused in the Court. The accused has no criminal antecedents. Their further detention behind the bars will amount to pre-trial conviction. They are ready to abide conditions of bail. Therefore, he prayed to grant bail to the accused.

4. On the other hand, learned APP resisted the application on the ground that the accused has committed a serious crime. Capital Punishment is provided for the offence punishable under Section 302 of I.P.C. The accused may tamper with the prosecution evidence and may abscond, if released on bail. Therefore, he prayed to reject the application.

5. Upon hearing the learned Advocates for accused, learned APP and on perusal of charge-sheet, it appears that present accused / applicants are admittedly not involved in the commission of crime of murder. It is the case of prosecution that accused Alim Latif Shaikh gave blow of iron rod on the head of deceased Hitesh from backside and accused Sharad Shinde cut his head with the help of axe. Thereafter, they called present applicants / accused who caused disappearance of evidence. Allegations against present accused are for the offence p.u.s. 201 of IPC. Offence punishable under Section 201 of IPC is bailable. Hon'ble Bombay High Court in the case of **Appasaheb @ Appaso Kumar Kallappa Kumasage Vs. The State of Maharashtra – 2018 ALL MR (Cri) 4454** held that accused charged

for the offence p.u.s. 201 of IPC is entitled to be released on bail.

6. There is no need to keep the present applicants / accused behind the bars for indefinite period. Considering all the facts and circumstances on record, I come to the conclusion that the application deserves to be allowed. Therefore, I proceed to pass the following order.

ORDER

- 1) Application is allowed.
- 2) Accused / applicants **No.3** Jagdish Bhaskar Sangamnere, **No.4** Sandip Bhaskar Sangamnere and **No.5** Yogesh Jagdish Sangamnere be released on bail on furnishing PR bond sum of Rs.50,000/- (Rupees fifty thousand only) each and one surety of like amount in connection with Crime No. 35/2023 registered at Saikheda Police Station against them for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code (Sessions Case No.27 of 2023)
- 3) Applicants / accused shall not tamper with the prosecution witnesses in any way and in any manner, in-default, their bail is liable to be cancelled.

Sd/-

(**A.V. Gujarathi**)

Additional Sessions Judge,
Niphad.

Date : 12/12/2023.