

**Sessions Case No. 79/2024**  
**[CNR No. MHNS100014552024]**

*Chanchal Bhanudas Kshirsagar Vs.*  
*State of Maharashtra through Chandwad Police Station*

**Order Below Exh.40**

1. By filing this application under Section 483 of B.N.N.S. 2023, applicant accused namely Chanchal Bhanudas Kshirsagar has prayed for bail in connection with CR No. 14/2024 for the offences punishable under Section 302, 120(b), 326, 324, 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code and section 135 of The Maharashtra Police Act registered with Chandwad police station.

2. I have perused application and the say of Ld. APP. I have heard both the sides.

3. Case of the prosecution in brief as under :

(i) Informant namely Smt. Sheetal Raju Shinde lodged complaint to police that deceased Raju Kedu Shinde is her husband. The incident took place on 16.1.2024. On that day at about 10.00 a.m. Raju Kedu Shinde left the house to go to his office at Jai Janardan complex at Dugaon. On that day at about 1.30 p.m. informant and the co-wife of her husband Sunita were present in their house and at that time Raju Shinde made phone call to informant informing her that Chanchal Kshirsagar and his mother, brother and children and his wife and other persons came near the complex and that because of the old dispute they were abusing him. On hearing such fact on phone, informant and co-wife of her husband Sunita went through motorcycle to their complex and at that time they saw that her husband Raju Shinde was surrounded by Chanchal Bhanudas Kshirsagar and his wife Vaishnavi

Kshirsagar and his brother Vinod Bhanudas Kshirsagar and Vinod's wife Poonam and Chanchal Kshirsagar's two sons Raj and Sai and his younger brother Vinod Kshirsagar's daughters Nikita and Kashish and Chanchal's mother Babybai and Vaishnavi's nephew Piyush Sutar and that they all were abusing her husband. At that time she and the co-wife of her husband Sunita, her husband's brother's wife Rupa Satish Shinde and her cousin brother-in-law Ravindra Santosh Mali, her cousin brother Yogesh Prakash Sonawane, uncle Prakash Sukdeo Sonawane and Dhondiram Kisan Gangurde, Dinesh Jagdale and Prashant Thorat intervened and removed her husband from them and at that time they (i.e. the abusers) went away from that place.

(ii) On the same day at about 2.30 p.m. informant along with her family members were present near their complex and at that time Chanchal Kshirsagar armed with iron rod and Vinod Bhanudas Kshirsagar armed with wooden stick, Vaishnavi Kshirsagar, Poonam Vinod Kshirsagar, Babybai Bhanudas Kshirsagar and Raj Sai, Nikita, Kashish and Piyush Sutar came there by abusing them and they stated "राजु तुला जिवंत ठेवणार नाही" (i.e. Raju, we will not leave you alive) and by saying so they ran to assault her husband Raju Shinde. At that time informant, the co-wife of her husband Sunita, her husband's elder brother's wife Rupa and Prasanna Thorat tried to intervene. At that time Piyush Satish Sutar thrust some sharp weapon into the left side chest of Raju Shinde and also gave blow with that weapon to the left arm and left wrist of Raju Shinde and thereby caused serious injury. At that time Raj Chanchal Kshirsagar gave blow of knife to the middle portion of the head of Raju Shinde and thereby caused serious injury. At that time Prashant Thorat went there to intervene but he was also assaulted by Piyush Sutar with his weapon to his backside. Her husband Raju Shinde fell down and his shirt was smeared with blood. At that time informant

and the co-wife of her husband Sunita and her sister-in-law Rupa Satish Shinde, her cousin brother-in-law Ravindra Santosh Mali, her cousin brother Yogesh Prakash Sonawane and her uncle Prakash Sukdeo Sonawane and Dhondiram Kisan Gangurde, Dinesh Jagdale rescued informant's husband from those assailants and at that time those assailants ran away from that place. Thereafter Raju Kedu Shinde was brought to Suvidha hospital Chandwad for medical treatment and the doctor examined him and declared him as dead. Thereafter the dead-body of Raju Shinde was taken to Government hospital Chandwad and thereafter informant lodged her complaint to police and the aforesaid crime is registered.

(iii) Further statement of the informant was recorded on 20.01.2024. Her further statement shows that because of the brutal murder of her husband her mental condition was not good and therefore at the time of lodging complaint some facts remained to be stated by her and that after the funeral rites of her husband was over, she came to the police station to give her further statement. Her further statement shows that on 16.1.2024 at about 2.30 p.m. out of the accused persons who were armed with weapons and who came there with the preparation to kill her husband, Chanchal Bhanudas Kshirsagar and his elder brother Vinod Bhanudas Kshirsagar stated to their relative Piyush Satish Sutar "आम्ही राजाला पकडतो, तु वार कर". (We are catching Raj, you give blow.) Thereafter they both manhandled her husband and they both tightly caught both the hands of her husband and at that time Piyush thrust the sharp weapon to the left side chest of informant's husband and thereby caused serious injury. Thereafter Sai Chanchal Kshirsagar gave blow of knife in the middle portion of the head of informant's husband and at that time Chanchal Kshirsagar gave blow of iron rod (Chimni) on the left hand and near wrist of informant's

husband and thereby caused serious injury to her husband. In the meantime Vinod Kshirsagar assaulted her husband by fist and kick blows and he gave kick blow forcibly to the waist of her husband. Her husband fell down. At that time all the women whose names are mentioned in the complaint were instigating those four assailants “आज राजाला जिवंत ठेवु नका” (Today don't leave Raja alive) and thereby they were abetting and instigating. At that time she and co-wife of her husband made an attempt to rescue her husband. At that time Vaishnavi Chanchal Kshirsagar, Poonam Vinod Kshirsagar, Babybai Bhanudas Kshirsagar, Nikita Vinod Kshirsagar, Kashish Vinod Kshirsagar pushed them and manhandled them and also abused them.

(iv) In her further statement she further stated that in her complaint she mentioned that Raj Chanchal Kshirsagar gave blow of knife to the middle portion of head of her husband and thereby caused serious injury but Raj Chanchal Kshirsagar was not there. That person was Sai Chanchal Kshirsagar and that Sai Chanchal Kshirsagar gave blow of knife to the middle portion of head of her husband and thereby caused injury to her husband. At the time of lodging complaint her mental condition was not proper and therefore, she mentioned the name of Raj Chanchal Kshirsagar. But actually Raj Chanchal Kshirsagar was not present at the time and place of incident.

(v) Her further statement further shows that since last about 3 to 4 years the dispute in respect of land in between her husband at one side and Chanchal Bhanudas Kshirsagar and Santosh Sukdeo Elinje at the other side was going on. In that respect crimes were also registered against each other in the police station and that proceedings were also going on in the Court and that because of that reason Chanchal Bhanudas Kshirsagar and Santosh Sukdeo Elinje got annoyed and that

with the intention to take revenge, they in collusion with Chetan Uddhav Shevale published one defamatory video against her husband and her husband's family on social media through facebook in the first week of January 2024 and viralled that video. Thereafter on 11.1.2024 informant's husband inquired about that video from Chetan Shevale. At that time Chetan Shevale stated to her husband that he was not at all concerned with her husband but he further stated that Chanchal Bhanudas Kshirsagar and Santosh Sukdeo Elinje stated to him to do so and also supplied to him the documentary evidence. At that time her husband stated to Chetan Shevale about her husband's dispute with them and therefore Chetan Shevale told her husband that he would not send any post on social media against her husband and thereafter Chetan Shevale did not do anything. Chanchal Kshirsagar and Santosh Elinje came to know about this fact and thereafter Santosh Elinje posted following two posts on facebook :

- (i) "कोणीतरी घाबरला असेल किंवा नाही माहिती नाही पण आता स्वतः संतोष एलिनजे उदयापासून लाइव येणार"
- (ii) "आज वर्षाचा पहिला सण दुश्मनालापण खावु दयावा. मकर संक्रांतीच्या हार्दिक शुभेच्छा".

Chanchal Bhanudas Kshirsagar and Santosh Sukdeo Elinje prior to Makar Sankrant hatched conspiracy to commit murder of her husband on the next day of Makar Sankrant and that thereafter they both after hatching the conspiracy committed the murder of her husband. She also produced the screen shot of the post viralled by Santosh Sukdeo Elinje on the facebook and she also lodged complaint against Santosh Sukdeo Elinje.

4. It is argued by the Ld. Advocate for the accused that the alleged incident took place in the crowded area in the market and the said incident is captured in the CCTV footage. There is no independent

witness to the said incident. Only the relatives and the interested witnesses are made witness to the said incident. The deceased was having criminal antecedents and he was in jail in the murder case for about 17 months. He used to grab agricultural and other properties of other persons. It is further argued that if we see the injuries mentioned in para No. 17 of the post mortem report of the deceased, then the injuries which appeared in para No. 17 would not come if the blow is given with the chopper. The cause of death mentioned in the post mortem report is not as a result of the assault done by the weapon. There is no specific manner of assault or role mentioned in respect of each accused. The role against applicant-accused is that he assaulted the deceased with iron rod on his wrist. There is delay in lodging the FIR. Sufficient explanation is not given for the same. Informant is not the eye witness. There is no prima facie case to connect the accused with the alleged crime. Accused is ready to abide by any condition. Co-accused who played vital role namely Sukdeo Elinje is granted bail. It is therefore, argued that accused may be released on bail on the ground of parity.

5. On the other hand, it is argued by the Ld. APP that informant is the eye witness of the said incident. The main incident took place at 2.30 p.m. and at that time, applicant-accused came there with iron rod in his hand and that further statement of the informant shows that at the time of incident applicant-accused gave blow of iron rod on the left hand wrist of the deceased. All the accused persons in prosecution of common object went there with preparation, armed with deadly weapon and gave blow of the same to the deceased. Ground of parity is not applicable to the applicant-accused. It is therefore, submitted that application may be rejected.

6. Perusal of the FIR shows that applicant-accused was present when the incident occurred initially at 1.30 p.m. as the incident of abuses occurred initially at 1.30 p.m. and thereafter applicant-accused was also present at 2.30 p.m. when the main incident occurred and that applicant-accused along with other accused stated to the deceased that they would not leave the deceased alive and that thereafter they started assaulting the deceased and that further statement of the informant shows that on the date of incident at about 2.30 p.m. out of the accused persons who were armed with weapons and who came there with preparation to kill her husband, accused Chanchal Bhanudas Kshirsagar and her brother Vinod Bhanudas Kshirsagar stated to their relatives Piyush Satish Sutar, 'we are catching Raj, you give blow' and thereafter they both manhandled the deceased and they both tightly caught both the hands of the deceased and at that time Piyush thrust the sharp weapon to the left side chest of the deceased and that applicant-accused gave blow of iron rod on the left hand near wrist of the deceased. In this way, active involvement of the applicant-accused is there in the said crime since beginning. Under the circumstances, he is not entitled for bail. Hence, I proceed to pass following order :

**ORDER**

1. Application is rejected.

Date : 02.01.2026  
Place : Niphad.

( **Abdussalam A.A.Shaikh** )  
Additional Sessions Judge,  
Niphad.