

ORDER BELOW BAIL APPLICATION (EXH. 7) IN
SESSION CASE NO.157/2019.

This is an application for bail filed by accused under Section 439 of the Code of Criminal Procedure.

2. The accused Yogesh Datray Murkute is charge-sheeted by Lonikand police station in matter C.R. No. 955/2018 for an offences punishable under Sections 302, 201, 365, 323 read with 34 of the Indian Penal Code.

3. The incident has taken place on 29.08.2018 at 19.00 hours within the limits of village Mauje Wagholi and Kesnand and in the bed of Bhima river at Vadgaon Bhand, Taluka – Daund, District – Pune. All accused in furtherance of common intention unlawfully abducted Balasaheb Sonba Murkute in Celerio car No. MH-12-PT-3767 and committed murder by strangulating his neck as he did not give consent to remove names of father, grandmother and aunt of first informant from the revenue record and 7/12 extract of land Gat No. 154. The accused have further dumped dead body in the water and bed of river Bhima with an object to disappear the evidence.

4. It is submitted by accused that he has no concern with alleged incident and has been falsely implicated. The land in question was purchased by accused and a civil suit

was pending with respect to it. There is no recovery or discovery nor there is any direct evidence against accused. He is ready to abide by terms and conditions of bail. A postmortem report shows that the cause of death is drowning. So the question of murdering Balasaheb by strangulation does not arise. So request is made by accused to release him on bail.

5. The application is strongly resisted by A.P.P. He submitted that the offence is very serious and against society. There were dispute amongst accused and deceased on account of property. There is clear circumstantial evidence against accused. The D.N.A. report of deceased has matched with Gangubai Murkute. Present accused has given memorandum statement showing his involvement in alleged crime. There is sufficient evidence against accused to proceed. If bail is granted possibility of absconding and tampering evidence cannot be ruled out. So request is made to reject application.

6. It is pertinent to mention that accused and deceased had long standing disputes pertaining to land Gat no. 154. accused wanted to remove names of father grandmother and aunt of first informant from the 7/12 extract. However, deceased Balasaheb did not concede. Therefore, a suit bearing No. 699/2017 was filed in Court.

7. It is clear from above fact that the accused had grudge in his mind as deceased Balasaheb did not co-operate to remove names of certain persons from revenue record of agricultural land. As such accused had strong motive and intention to commit the alleged crime.

8. The name of present accused is repeatedly mentioned in F.I.R. On 29.08.2018 deceased Balasaheb came to Shivajinagar Court for attending date of Civil Suit. At that time accused offered him to pay Rs.15,00,000/- but deceased Balasaheb demanded Rs. 25,00,000/-. Thereafter, accused said that they need not give Rs.25,00,000/- and can settle the matter on their own for only Rs.3,00,000/-. It is clear that accused had threatened Balasaheb to settle this scores. Therefore, it is abundantly clear that accused had intention of committing murder of Balasaheb. There is explicit mention of overt acts of accused Yogesh in the F.I.R.

9. The accused have very brutally assaulted Balasaheb with deadly weapons. Accused have even tried to disappear the evidence since they dumped dead body of Balasaheb in river Bhima in order to save themselves from penal consequences. It is abundantly clear from the conduct of accused that they intended to kill Balasaheb and they had full knowledge that their attack and injuries were likely to cause death. Therefore, the offence squarely falls under

Section 302 of the Indian Penal Code for which prescribed punishment is life imprisonment or death sentence.

10. The accused have committed heinous murder of an innocent person for greed of property. The accused have also tried to destroy the evidence. The acts of accused are not justified and cannot be viewed with leniency. The accused has not made out any strong, reasonable and sustainable case for grant of bail. On the contrary, looking to the gravity of matter, no bail can be granted to accused. In the result following order is passed :

ORDER

Application rejected.

Pune.

Date : 23.03.2021

(V.P. Adone)

Additional Sessions Judge

Pune.

CERTIFICATE

I affirm that the contents of PDF file Judgment are same word for word as per original Judgment.

Name of Steno : Mrs. M.V. Patil (Stenographer G-I)

Court name : Shri. V. P. Adone
Additional Sessions Judge

Judgment/Order delivered on : 23.03.2021

Judgment/Order signed by P. O. : 23.03.2021

Judgment/Order uploaded on : 23.03.2021