



Sessions Case No.434/2025
CNR No.MHPU01-008603-2025
State of Maharashtra
Through Chatushrungi Police Station
V/s.
Shubham Mahendra Tupe & Ors.

ORDER BELOW EXH.4

The applicant/accused No.3 Om Balasaheb Nimhan seek his release on bail under Section 483 of the BNSS in connection with CR No.80/2025, registered with Chatushrungi Police Station for the offence punishable under Sections 103, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 37(1) r/w Section 135 of the Maharashtra Police Act and Section 4(25) of the Arms Act.

2. Afore crime is originated from the report dated 08/02/2025 lodged by the informant Varad Tupe alleging therein that prior to year 2016 his grandmother has partitioned the house property and allotted the share to his father and uncle. However, the cousin of the informant i.e. accused No.1 and his mother has raised objection towards the partition and they filed civil suit in the Court. During pendency of the suit, in the year 2018, accused No.1 has threatened his father to do him away. It is further alleged that there was joint fix deposit of informant's father and mother of accused No.1 in COSMOS Bank and accused No.1 and his mother used to raise quarrel with his father for encashment of the said FD.

3. It is further alleged that on 04/02/2025 at around 09:30 hours accused Nos.1 and 2 came towards the informant and informed him to ask his father to give their share in FD or else to face

dire consequences. Immediately, he went to his father and divulged the incident. His father console him and asked to keep mum. It is alleged that on 06/02/2025, accused Nos.1 and 2 came towards informant and asked him what his father has replied on their demand. However, he informed them that his father did not replied. It is alleged that on 07/02/2025, the informant's father informed him that when he was at the temple, at that time, accused threatened him to gave money.

4. It so happen that on 08/02/2025 at around 06:00 a.m., his father went to bring milk. At around 06:30 a.m., his neighbourer came to his house and informed that his father was hacked on the road near the Ganpati Temple. Thereafter, they rushed to the crime spot and saw that his father was lying in the pool of blood. From the bystander, he came to know that accused has annihilated his father. He and his family member rushed his father to the Government Hospital, Aundh, where his father was declared brought dead.

5. The Ld. Advocate for the applicant/accused No.3 urged that the applicant is innocent and he is falsely framed in given case. He urged that the eye witnesses did not demonstrate the presence of the applicant with accused Nos.1 and 2 at the crime spot. He urged that the property dispute is pending between the accused No.1 and the informant's family. The applicant has no concerned with both the families. He urged that there is no material indicating participation of the applicant at the place of occurrence. Merely, presence of the applicant with accused Nos.1 and 2 nearby the spot of incident is not sufficient to conclude that the applicant has conspired with the accused Nos.1 and 2. He urged that the applicant has no criminal

antecedents. He further canvassed that the accused is behind bars since long and he would not tamper the prosecution witnesses, if released on bail. He, therefore, requested to enlarge the applicant on bail.

6. The Ld. APP urged that the applicant was present with the accused Nos.1 and 2 prior to the incident and after the incident and their movements were duly captured in the CCTV Footage from the nearby area of the crime spot. He further urged that the incident is occurred in wee hours and there was no reason for the applicant to accompany accused Nos.1 and 2. According to him, accused have hacked the conspiracy and applicant was given the task of monitoring the event. He has duly participated and share common intention with the accused Nos.1 and 2. He urged that there is prima facie material against the applicant and thus, he is not entitled for release on bail.

7. Heard both the sides and perused the case record.

8. On meticulous examination of case record, it appears that accused No.1 and the informant's family are warring over the house property. The statement of eye witnesses namely Ashwini Jadhav and Kunda Nagarkar duly demonstrates role of accused No.1 as assailant and accused No.2 as carrier i.e. motorcycle rider for fleeing away from the place of occurrence after hacking the deceased. The role attributed to the applicant is of doing recce. The CCTV footage seizure panchanama and the visuals duly demonstrates the movement of the applicant along with accused Nos.1 and 2. The incident in question took place in wee hours. Each of the accused

has done a different task in doing away the deceased by indulging in conspiracy. Each accused is responsible for the act done in furtherance of their common intention. It appears that the applicant and witnesses are residing in the same locality. The anguish expressed by the Ld. APP that if accused is bail out then he would tamper the prosecution witnesses is quite acceptable.

9. Reckoning afore said aspect, prima-facie material against the applicant/accused and seriousness of the crime, dissuaded this Court to enlarge the applicant/accused No.3 on bail. Ergo, the following order :

ORDER

The application (Exh.4) is rejected.

(Dictated and pronounced in Open Court)

Pune.

Date : 09/12/2025

(B. V. Wagh)

Additional Sessions Judge, Pune.

CERTIFICATE

I affirms that the contents of this P.D.F. file Order are same word for word as per original Order.

Court Name	:	B. V. Wagh, District Judge – 2 and Addl. Sessions Judge, Pune.
Name of Steno	:	Abhishek Arun Gite (Stenographer Grade - I)
Date of Order	:	09/12/2025
Order signed by Presiding Officer on	:	09/12/2025
Order PDF and Uploaded on	:	09/12/2025