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SESSIONS CASE NO.839/17

CNR NO.: : : MHPU01-014902-2017

State of Maharashtra

Vs.

Satish Waman Dedge

ORDER BELOW EXH.3

1] By filing this petition under Section 439 of Cr.P.C., applicant / accused requested to release him on regular bail in connection with crime no. 65/17 registered with Uttamnagar Police Station under Section 302, 201 of the Indian Penal Code

2] Briefly stated the prosecution case is that -

The complainant Amar Sandip Bhise – son of deceased lodged report dtd. 26/7/2017 on the allegations that on 24/7/2017 at about 12.00 noon his father had been to attend his job by his motorcycle bearing no. MH 12 KX 7243 and at about 5.00 to 5.30 pm his father gave a phone call to the complainant's maternal uncle Pramod Kuchekar and he told that at about 6.00 pm he will come. Till 8.00 pm his father did not come. Thereafter they waited up to 24 hours but his father not come. On 25/7/2017 the complainant, his mother had been to the job place of his father and made inquiry. They came to know that yesterday till 6.00 pm his father was on his work but thereafter do not know where he went. At about 4.00 pm on 25/7/2017 they had been to NDA Chowk in order to lodge the report. That time police told them that they found one dead body in Mutha river and to see it by coming to Sassoon Hospital. So the complainant had been to Sassoon Hospital. He visited dead house. He had seen the body of one person and came to know that it was of his father.

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Thereafter complainant lodged report. On that report crime has been registered.

3] It is submitted that applicant has not committed any offence. Already discovery and recovery have been made by the Investigating Officer and the applicant / accused has falsely implicated. He has co-operated the police. There is no evidence against accused to show that the applicant / accused is having his illicit relations with the wife of deceased. Police have not produced CDR report in order to show there were phone calls between the wife of deceased and accused. It is further submitted that he is ready and willing to obey the terms and conditions, if imposed by this Court. He is ready to furnish surety and lastly prayed to release him on regular bail.

4] In response to the notice the prosecution has resisted the application by filing reply at exh.4 contending inter-alia that offence is very serious under Section 302 and 210 of Indian Penal Code. Charge-sheet revealed the role of accused. Medical evidence is on record. Discovery and recovery is there from this accused. If accused released on bail there is possibility of pressurizing the witnesses and lastly prayed to dismiss the application.

5] Heard learned advocate for accused and learned APP for the prosecution. Read the case papers and FIR / charge-sheet. It reveals that The complainant Amar Sandip Bhise – son of deceased lodged report dtd. 26/7/2017 on the allegations that on 24/7/2017 at about 12.00 noon his father had been to attend

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his job by his motorcycle bearing no. MH 12 KX 7243 and at about 5.00 to 5.30 pm his father gave a phone call to the complainant's maternal uncle Pramod Kuchekar and he told that at about 6.00 pm he will come. Till 8.00 pm his father did not come. Thereafter they waited up to 24 hours but his father not come. On 25/7/2017 the complainant, his mother had been to the job place of his father and made inquiry. They came to know that yesterday till 6.00 pm his father was on his work but thereafter do not know where he went. At about 4.00 pm on 25/7/2017 they had been to NDA Chowk in order to lodge the report. That time police told them that they found one dead body in Mutha river and to see it by coming to Sassoon Hospital. So the complainant had been to Sassoon Hospital. He visited dead house. He had seen the body of one person and came to know that it was of his father.

6] On going through the rival submissions, it reveals that, after arrest present applicant / accused has given memorandum statement on 26/7/2017 and he has produced the clothes of deceased which was hidden by him. So there is discovery and recovery at the instance of present applicant. Further he made statement that he is having illicit relations with the wife of deceased and due to that he has committed murder of the deceased by throttling by nylon rope. On going through, it appears that, if applicant / accused released on bail, possibility cannot be ruled out that he will pressurize the witnesses and tamper the prosecution evidence. So the applicant / accused is not entitled to be released on bail.

In the result I pass following order -

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ORDER

Application filed by accused Satish Waman Dedge is hereby stands dismissed.

(V.K.Kadam)
Additional Sessions Judge, Pune.

Date – 10/5/2018