



SESSIONS CASE NO.1046/2023

CNR No.MHPU01-017084-2023

State of Maharashtra
Through Paud Police Station

Vs.

Laxman Rama Maragale & Ors.

COMMON ORDER BELOW EXHS.20 AND 24

Applicant/Accused No.2 **Sunil Dhondiba Maragale** and Accused No.37 **Shankar Laxman Maragale** seek their release on bail under Section 439 of the Criminal Procedure Code in connection with CR No.107/2023 registered with Paud Police Station for the offence punishable under Sections 302, 307, 394, 397, 341, 427, 504, 506, 34 of the Indian Penal Code.

2. Prosecution allegations reveals that on 13/03/2023, the informant Asif Mokhari and Narayan Gore (deceased) went to the house of Dagadu Zore and Baban Zore, at village Temghar (Lavasa), Tq. Mulshi, Dist. Pune by motorcycle to purchase bullocks for agriculture purpose. They saw bullocks owned by Zore brothers and after negotiation, they purchased it. They called pick-up van to carry the cattle to their respective house. After dining at the house of Zore brother, at around 10:30 p.m., they started return journey to their house. When the informant's motorcycle was passing from the secluded area, at that time, some miscreants waylaid their motorcycle and reasoned as to why they have purchased the bullocks from their village. Enraged miscreants started assaulting the informant, however, he fall in the ditch and saw the faces of the miscreants in the mobile torch. The miscreants were assaulting Narayan with wooden logs. The

informant escaped from the clutches of the miscreants and went towards Tamhini Ghat section. He was trying to connect Narayan and Zore brothers, however, their phones were not connected. After hectic efforts, Dagadu Zore received phone call and he divulged the incident to him. Later on, the informant has contacted his near and dear, and revealed the incident to them. Accordingly, Balu Bodake, friend of the informant informed him about the serious condition of Narayan and he was shifted to Rural Hospital, Paud. When the informant went to Rural Hospital, Paud, he came to know about sad demise of Narayan. Eventually, he laid the report.

3. The Ld. Advocates for applicants/accused Nos.2 and 3 respectively in unison urged that applicants are innocent and falsely framed in given case. They urged that there is no direct evidence against applicants. There is no recovery of incriminating material stood against applicants. They urged that the test identification parade conducted by the prosecution is suffering from serious lacunae. There is no material to indicate involvement of applicants in alleged crime except the test identification parade. Applicants are languishing in jail since long and there is no hope that trial would conclude in near future. They, therefore, requested to enlarge applicants on bail. In support of their submissions, they relied on following Citations :

- i. **Sachin Dattatraya Darge v. The State of Maharashtra – Bail Application No.1231 of 2018.**
- ii. **Santosh Dattatray Jamune v. The State of Maharashtra – Bail Application No.832 of 2015.**

4. The Ld. APP resisted the application by filing say and inter-alia contended that applicants along with co-accused hacked the deceased to death with wooden logs which stood recovered against A-1 under Section 27 of the Indian Evidence Act. Accused waylaid the motorcycle of the informant in the night hours and reasoned them why they have purchased cattles from their village. Enraged accused with an common intention do away the deceased by brutally assaulting him. In the test identification parade, the informant who is sole eye witness of the incident also sustained injuries by the assailants in the same incident. He has duly identified applicants and co-accused as killer of the deceased. The witnesses and accused are from same locality and if applicants are bail out, they would tamper the prosecution witnesses. It is submitted that the charge is framed and the prosecution is ready to conduct the trial expeditiously. It is further urged that there is prima facie material against applicants and thus, they are not entitled for release on bail.

5. Heard both the sides and perused the record.

6. On meticulous examination of charge-sheet, it appears that applicants and co-accused have waylaid the motorcycle of the informant and assaulted him and the deceased in the night hours, wherein the informant has identified applicants and co-accused's faces during the assault in the mobile torch. Accused were duly apprehended and lodged in jail. The motorcycle and the weapons used in the crime are duly seized from A-1. There are CDR and

SDR record suggesting applicants and co-accused presence at the given location. The autopsy report of the deceased shows that he has sustained 23 blunt injuries on the vital parts of his body and the cause of death is due to multiple blunt injuries.

7. The submissions advanced by the Ld. Advocates for applicants on the premises that the witness, who has identified applicants did not gave any reason for identification and in support of his submission, he relied on the order passed by the Hon'ble High Court in the case of **Santosh Dattatray Jamune** (Supra), wherein the father of the informant was shot dead by the accused in the saloon. Two witnesses present at the saloon have witnessed the incident. However, one witness did not attended test identification parade, whereas another witness did not identified either of the accused. But, other person who was driver of the deceased has identified the accused therein. While granting the bail, the Hon'ble High Court has observed that the said witness who has identified the accused did not attribute any role and give any specific reason for identification. However, in the present matter, the informant, who has sustained injuries in the incident has an occasion to observe the faces of the assailants in the mobile torch while they were assaulting the deceased. Thus, he is a natural witness, who is sheerly survived by luck due to his timely escape. Thus, the order relied is not apt to the present set of fact. Even, facts in case of **Sachin Dattatraya Darge** (Supra) are distinguishable.

8. Notably, the informant is the injured in the alleged

incident who has sustained simple injuries. The anguish expressed by the Ld. APP that if accused is bail out then he would tamper the prosecution witnesses is quite acceptable. Ld. APP further canvassed that he will co-operate to expedite the trial.

9. Reckoning afore said aspect, prima-facie material against applicants/accused and seriousness of the crime, dissuaded this Court to enlarge applicants/accused on bail. Ergo, the following order :

ORDER

The applications (Exhs.20 and 24) are rejected.

(Dictated and pronounced in Open Court)

Pune.

Date : 30/01/2026

(B. V. Wagh)

Additional Sessions Judge, Pune.

CERTIFICATE

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

Court Name	:	B. V. Wagh, District Judge – 1 and Addl. Sessions Judge, Pune.
Name of Steno	:	Abhishek Arun Gite (Stenographer Grade - I)
Date of Order	:	30/01/2026
Order signed by Presiding Officer on	:	30/01/2026
Order PDF and Uploaded on	:	30/01/2026