

**ORDER BELOW EXH 4**  
**(Dated 26.03.2025)**

This application is filed under Section 483 of BNSS by applicant/accused Ravindra Kundalik More in C.R.No. 727/2024 registered with Daund Police station for the offences punishable under Sections 103(1), 3(5) of BNS.

2] Perused application, say filed by I.O. and documents produced by both the parties. Heard Advocate for accused and APP Shri. Ohol.

3] The case of the prosecution is that, on 10.10.2024 the deceased had left his house at about 10.30 a.m. by his four wheeler. At about 6.45 p.m. his wife i.e. informant phone called him when he had stated her that he is working at Daund. At about 7.00 p.m. the deceased had phone called informant whether she required anything for household use. At about 7.25 p.m. the deceased phone called informant that his welding work is going on therefore, he is proceeding towards Morevasti and he will take dinner with Ravindra More. At about 8.42 p.m. informant contacted the deceased by whatsapp video call when he informed her that he is at Morevasti along with Mahesh Kale and Ravindra More. Thereafter, at about 10.17 p.m. the informant tried to phone called the deceased. On her repeated attempts the deceased had not attended her phone call. Therefore, she along with her relatives taken search and found the deceased lying on cleaner side seat in his four wheeler in

unconscious condition near Mangesh Memorial School at village Lingali. The deceased had sustained bleeding head injury. The informant carried him to Mahalaxmi Hospital, Daund. On examination, Doctor had declared him as dead. Therefore, informant lodged report on 11.10.2024. On the basis of her report CR No. 727/2024 came to be registered.

On the same day i.e. 11.10.2024 her supplementary statement is recorded wherein she has stated that on 10.10.2024 in between 7.00 p.m. to 11.22 p.m. deceased was with accused No.1 Mahesh Kale and accused No.2 Ravindra More. In between that period on the count of dispute about financial transactions of their partnership business accused No.1 Mahesh Kale in collusion with accused No.2 Ravindra More committed murder of the deceased by inflicting a blow upon backside of his head with the help of some weapon and thereafter carried the dead body by car and left it in the open space near Mangesh Memorial School.

4] Advocate for applicant has argued that, the applicant has withdrawn his first bail application No.1348/2024 on 14.02.2025. The applicant is innocent and have not committed the alleged offence. The allegations against applicant are totally false and vague. In the FIR no overt act is attributed against the present applicant. He is falsely implicated in the alleged crime. There is no circumstantial link with the effect that the applicant has committed the alleged offence. There is no any direct or indirect evidence against the applicant. He is ready to furnish

surety. He is permanent r/o Morevasti, Mergalwadi, Taluka Daund, District Pune. Therefore, he will not flee from justice. There is nothing to be recovered from the present applicant. He is ready to co-operate with police machinery. He is ready to abide by all the conditions if imposed. Hence he be released on bail.

5] Learned APP argued that, the alleged offence is p/u/s 103(1) r/w 3(5) of BNS. The alleged offence is serious and punishment provided for the same is death or imprisonment for life. The accused persons have committed an offence in furtherance of their common intention. Prima facie there is ample evidence available against the accused and case is made out against them. The FIR dated 11.10.2024 is prompt and on the very same date informant's supplementary statement is recorded by investigation officer in which she stated that her husband before his death with both these accused and accused No.1 in collusion with accused No.2 committed murder of her husband, due to economic transactions in partnership sliding and painting business. The weapon wooden stick stained with blood is recovered and seized at the instance of accused No.1 u/s 23(2) of BSA and accused No.2 shown the place where deceased was murdered and after that where they leaved the dead body and the route by which they carry dead body in a car regarding this his memorandum statement and panchanama is recorded u/s 23(2) of BSA. The stone stained with blood seized from the place of offence. There is strong circumstantial evidence on the point

of motive, last seen together, CDR report, whatsapp calling reports, panchanama of clothes stained with blood of accused No.1, CCTV footage, postmortem report and panchanamas available against the accused. If the accused is released on bail, there is possibility of pressurising, threatening of the prosecution witnesses. There is also possibility of absconding of accused if he released on bail. CR No.8/2014 registered with Talegaon Dabhade Police Station for the offence p/u/s 302, 201 r/w 34 of IPC is already pending against the applicant. There is possibility that he will indulge such type of offence again if he released on bail. Hence application be rejected.

6] The Ld. APP and Advocate for informant relied upon following judgments :

(i) **State V/s Eslian in Criminal Appeal No.503/2006 reported in 2006 (9) Supreme Court Cases 785-**

wherein Apex Court observed that gravity and nature of offence must be one of the consideration for grant of bail in nonailable offence.

(ii) **Sunil Dharma Mane V/s National Investigating Agency and Anr. Reported in 2025(1) ABR(Cri.) 144-**

wherein it is observed by the Hon'ble High Court that offences were quite serious- it would not be proper to release the applicant on bail which would frustrate the trial, statements of nearly 15 witnesses were recorded after filing charge-sheet, further investigation was still in progress, investigation regarding posting a threat note on channel to industrialist and his family

was still in progress-law of parity would not be applied especially when a specific role was played by accused as a court conspirator.

7] Advocate for the applicant has produced xerox copy of judgment in Sessions Case No.286/2014 wherein the applicant is acquitted in CR No.8/2014 registered with Talegaon-Dabhade Police Station for the offence p/u/s 302, 201 r/w 34 of Indian Penal Code.

8] Perused Charge-sheet and documents produced on record. The alleged offence under Section 103(1) r/w 3(5) of BNS is punishable with death or imprisonment for life and shall also be liable to fine. The informant is wife of deceased. The FIR has been lodged promptly on 11.10.2024. The name of the applicant is specifically mentioned in the FIR as he was present with the deceased on the day of incident. The deceased and accused No.1 were partner in Sliding and Painting business. There was dispute between them on the count of financial business transactions. The spot of incident i.e. commission of murder is Morevasti. The present applicant is resident of Morevasti. In the memorandum u/s 23(2) of BSA the applicant has disclosed the same on 13.10.2024. A stone stained with blood is recovered from the spot. The contents of FIR and statements of witnesses viz. Deepak Lengare, Avinash Gaikwad and Abhiraj alias Bunty Chavan have stated that they had met

with the deceased at the cattle shed of applicant situated at Morevasti. Their statements clearly shows that upto 4.40 p.m. applicant was present there with the deceased. The witness Deepak Lengare and Avinash Gaikwad stated that at about 7.00 p.m. they along with deceased and accused No.1 had proceeded towards Daund by deceased's car. Deepak and Avinash get down from the car at Nehru Chowk, Daund. Thereafter deceased and accused No.1 went forward by the car. Contents of the FIR show that at about 7.00 p.m. deceased had informed to his wife by phone call that he has come in Daund City whether she has required anything for household use. Further contents of the FIR shows that at about 7.25 p.m. deceased informed his wife by phone call that he is going to Morevasti and he will take dinner with the present applicant. The witness Sandeep Awari stated that at about 7.30 p.m. accused No.1 had purchased Royal Green Liquor from the shop namely Maharashtra Wines situated at Sanskarnagar, Daund. In the FIR it is mentioned that at about 8.42 p.m. informant had contacted to the deceased through whatsapp video call when he had informed that he is at Morevasti with accused No.1. The witness Ragini Sharma stated that at about 9.30 p.m. deceased and accused No.1 had come in front of her house by car, accused No.1 get down from the car, pick up his motor-cycle and while leaving the spot deceased was following accused No.1's motor-cycle by his car. The FIR further shows that since 10.17 p.m. the informant was trying to contact with the deceased but he was not attending her phone calls.

9] Advocate for applicant vehemently argued that statements of witnesses clearly show that at 4.40 p.m. applicant has left the spot where he was present with the deceased at Morevasti. The witness Deepak Lengare and Avinash Gaikwad all have stated that the deceased was present in the cattle shed of the applicant at Morevasti when they had went there and they were present with deceased till 7.00 p.m. As per FIR at about 7.25 p.m. deceased himself has informed to his wife that he is going towards Morevasti and he will take dinner with applicant. Therefore, it cannot be state that after 4.40 p.m. the applicant has not came into contact with the deceased as he is resident of Morevasti.

10] Advocate for applicant has argued that statements of witnesses viz. Bharat Boravake, Rambadan Sharma and Bechan Thakur shows that accused No.1 had motive to commit the alleged crime as he had dispute with the deceased on the count of their partnership business financial transactions but the present applicant has no any motive. The applicant has produced copy of judgment in Sessions Case No.286/2014. In that judgment his address is shown as Ajnuj, Shrigonda, District Ahmednagar. The charge-sheet in the present case shows the accused No.1 is permanent resident of Ajnuj, Taluka Shrigonda, District Ahmednagar. Therefore, it seems that present applicant and accused No. 1 are permanent resident of same village. These circumstances supports the case of prosecution that accused No.1

in collusion with accused No.2 had committed murder of deceased.

11] The wooden log used in alleged offence is recovered under Memorandum panchanama at the instance of accused No.1. The present applicant has disclosed the spot where deceased was murdered and the blood stained stone is recovered as per his memorandum statement and panchanama from the spot.

12] The CDR report, CCTV footage, whatsapp call papers and postmortem report are also available on record.

13] Accordingly, prima facie there is ample circumstantial evidence available on record against the applicant. There is nothing on record to infer false implication of the applicant in the alleged crime. If the applicant will be released on bail, possibility of his absconding also cannot be ruled out as his different addresses came on record. In above all circumstances it would not be just and proper to release the applicant on bail. Resultantly, I pass the following order.

**ORDER**

- 1] Application Exh. 4 is rejected.
- 2] Inform concerned police station accordingly.

Baramati  
Date : 26.03.2025

(S.S. Saste)  
Additional Sessions Judge,  
Baramati.

**CERTIFICATE**

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

Name of Steno. :- Smt. S.V. Hirve (Steno -Grade-1)

Court Name :- S.S. Saste.  
Addl. Sessions Judge, Baramati

Date of order. :- 26.03.2025

Order signed by P.O. on :- 26.03.2025

Order uploaded on :- 26.03.2025