

MHPU140013162024.



SESSIONS CASE No. 72/2024.

State of Maharashtra

Vs.

1- Jidnyasa Jitendra Naikwadi

2- Pragati Agatrao Hajgude

ORDER BELOW EXH.13

This regular bail application has been filed by the applicants-accused under Section 439 of the Code of Criminal Procedure in connection with Crime No. 134/2023 registered for the offence punishable under Sections 302, 307, 452, 504 read with section 34 of the Indian Penal Code and under sections 39 and 45 of the Maharashtra Money Lending (Regulations) Act at Supe Police Station.

2] The prosecution case in nutshell is as under:

On 13.12.2023 Sagar Dilip Jagtap lodged report while he was under treatment in burn ward of Sassoon hospital, Pune that he does the work of agent for obtaining person loan, car loans etc. Prior to 05 months Santosh Chopade had given him Rs. 3,00,000/- with interest at the rate of 20%. Similarly, Santosh Chopade had also purchased one I-20 car in the name of Rakesh Sahu and further given to him for Rs. 3,70,000/-. He was paying the installments of the car. Santosh Chopade repeatedly demanding money. Prior to 02 days Santosh Chopade had assaulted his father Dilip Jagtap on account of money and took him to Pune. He had also got executed one notarized document in his favour of their land admeasuring about 01 acre. On 13.12.2023 at

about 12.00 noon Santosh Chopade, Pratap Kshirsagar, Vaishali Bhosale, Jidnyasa Naikwadi and Pragati Hasgude came to his house in their car. Santosh Chopade demanded Rs. 35,00,000/-, he replied him that he does not have money and therefore unable to give. They all started abusing him and took him to kitchen. They saw the bottle containing petrol which he had kept for his bike. At that time, Pragati Hasgude and Jidnyasa Naikwadi pour petrol from the bottle on his person, Vaishali Bhosale ignited the cooking gas and they pushed him on the gas. Thereafter, they all ran away. His clothes caught fire, he ran out of the house, other persons extinguished the fire and took him to rural hospital, Supe and from there to Sassoon hospital, Pune. Hence, the report.

3] The applicants-accused contended that they are innocent. They did not commit any offence. They have falsely been implicated in this crime. The investigation is completed and charge-sheet has been filed. There is unexplained delay in filing of the report. No specific role has been attributed against them. No specific overt act has been attributed against them. There is nothing to be recovered from them. There is no any direct, indirect or circumstantial evidence against them. There are no criminal antecedents. They are ready to abide by the conditions imposed upon them, if any. Hence, prayed to allow the application.

4] The Investigating Officer and the learned A.P.P. opposed the application by filing say at Exh. 19. It is contended that the offence is serious one. There is specific role attributed against the present applicants-accused.

Applicant-accused No. 2 Pragati has sustained injuries over her leg. All the accused persons have conspired together to commit the offence. Applicants-accused Jidnyasa and Pragati were present on the spot and there are eye witness to that effect. The deceased has given a Dying Declaration against the accused persons. Yet the four wheeler car has not been recovered. The notarized document is also not yet been seized. Co-accused Nos. 1 and 3 are still absconding. If released on bail, the accused may tamper the prosecution evidence, commit similar type of offence or may flee away. Hence, prayed to reject the application.

5] Heard learned Advocate Mr. A. M. Kale for the applicants-accused, learned A.P.P. Mr. P. G. Joshi for the State and Ld. Advocate Mr. Y. C. Waghmare for the prosecution witnesses. I have perused the documents on record. It is pertinent to note that the report has been lodged by the deceased himself when he was under medical treatment. Specific role has been attributed against both the applicants-accused that they poured petrol on his person. The statements of witnesses have been recorded. The wife and father of the deceased are the eye witnesses of the incident. The postmortem notes shows that the deceased died due to complicated burns. At the time of medical examination of accused Pragati it was found that she had burn injuries over both feet.

6] Ld. Advocate for the applicants-accused has submitted that the C.D.R. report of accused Jidnyasa has been annexed by the Investigating Officer in the papers, which

shows that on the relevant date and time her location was at Kedgaon Toll Plaza, Boripardhi. Thus, it is clear that she was not present on the spot of incident. He has further submitted that both applicants-accused are women and therefore as per section 437 of the Cr.P.C., they are entitled for the bail. Further, he has submitted that deceased had committed wrong against accused Jidnyasa regarding which she has filed complaint at Pune. She herself is the victim of crime and therefore, it cannot be presumed that she had played any role in commission of the offence. He has further submitted that as per the statement of wife of the deceased recorded under section 164 of the Cr.P.C., she has stated that the deceased himself poured petrol on his person and he went inside the kitchen. This fact contradicts with the role of present applicants-accused mentioned in the FIR. Hence, prayed to allow the application. In support of his submission he has relied on ratios laid down in case of ***Satender Kumar Antil Vs. Central Bureau of Investigation [AIR 2022 SUPREME COURT 3386]***.

7] The wife of the deceased has also appeared and filed her affidavit Exh. 16 on record on the ground that threat to her life.

8] Both the applicants-accused have previously filed Cri. Bail Application Nos. 1784/2023 and 1785/2023 respectively, which were rejected on merits on 12.01.2024. After rejection of previous bail applications the charge-sheet has been filed and this is the only change in circumstance.

9] As discussed earlier, the specific role has been attributed against the present applicants-accused. There are eye witnesses to the incident. It is worth to consider that all the accused person went on the spot together. There is another incident of kidnapping of father of the deceased prior to the present incident. In that incident also names of both the applicants-accused have been specifically shown. The offence is serious one. There is ample evidence collected by the Investigating Officer against the accused person. Hence, considering all the facts and circumstances, nature and gravity of the offence, the application deserves to be rejected. Hence, the order.

ORDER

The bail application is rejected.

Date :- 06.05.2024.

(J. P. Darekar)
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 Stenographer : I. E. Deshmukh
stenographer (G-1)

Court Name : J.P Darekar
Additional Sessions Judge,
Baramati, Dist. Pune.

Date of Order : 06.05.2024.

Order signed by
Presiding Officer : 06.05.2024.

Order uploaded on : 06.05.2024.