



Session Case No. 118/2025
(CNR No.: MHPU14-001424-2025)
State of Maharashtra through
Vadgaon Nimbalkar Police Station
Vs.
Amol Vasant Mane & others.

ORDER BELOW EXH. 6

1. This bail application has been filed by applicant/accused No.1 **Amol Vasant Mane** under Section **483** of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of bail, in connection with Crime No. **104/2025** for the offence punishable under Section 103(1), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, r/w. Section 4(25) of Arms Act, registered with Vadgaon Nimbalkar Police Station, Dist. Pune.

2. **The allegations in the FIR are summarized as under:**

Informant Avinash Gadekar lodged report on 06/04/2025 to Vadgaon Nimbalkar Police Station alleging therein that, Verna Car bearing registration No. MH-14-EC-350 was purchased for consideration of Rs.3,50,000/-, by his brother Rohit Suresh Gadekar (deceased victim) from Amol Vasant Mane (Accused No.1), however it was not registered in the name of Rohit Gadekar. The said car was in the use of Rohit Gadekar.

3. Rohit Gadekar had advanced loan of Rs. 34,00,000/- before six months to Amol Vasant Mane and Sagar Vasant Mane (Accused No.2), and for security of said loan amount sale deed of 50 R land, situated at Sortewadi, Mane Vasti, Tal. Baramati was got executed. Since then victim Rohit and both accused were wondering together. Before 15 days from the incident victim Rohit

had informed to the informant that, before some days he has advanced an amount of Rs. 15,00,000/- to accused No.1 on interest, however since last 8 days accused No.1 had gone in the Karnataka State, on making phone calls he is avoiding to repay the amount.

4. On 05/04/2025 at about 4.00 PM accused No.1 was came to the house of informant in his silver colour Celerio car. At about 4:30 PM victim Rohit and accused No.1 were quarreling with each other sitting in the car of accused No.1 on account of repayment of loan of Rs. 15,00,000/-. Accused No.1 assured that, till night hours he will repay his loan amount and then he left the said spot. At about 8:00 PM when informant was returned back to home from library, victim Rohit left the house and proceeded by Verna car, informant asked him where he is going, on that he replied that, Amol Mane and Sagar Mane have repaying the amount to him and they have called to him at Kulkarni Canal.

5. After taking dinner at about 8:30 PM informant proceeded on his motorcycle for purchasing medicine tablets, at that time he saw victim Rohit was stopped near Kulkarni Canal by parking his car by the side of road. He asked victim what he is doing there and when he is coming to home for taking dinner, on which he replied that Amol Mane and Sagar Mane are coming for payment of Rs.15,00,000/- to him and he is waiting for them. The informant had purchased medicine tablets and was returning back to his house, at that time he noticed that, the talk between victim Rohit and both accused Amol Mane and Sagar Mane in loud voice was going on. He was intending to give medicine tablets, therefore

he had not stopped there and went to his house.

6. At about 9:39 PM informant made phone call to the victim stating that, the work of flooring tiles is remained, for which crush sand is required on which victim Rohit replied that, Amol Mane and Sagar Mane quarreling with him on account of repayment of Rs.15,00,000/-, and informant is asking him about crush sand, he also informed to cut the phone and he will arrange crush sand on next day. Then informant cut the phone.

7. On 06/04/2025 at about 00:44 hours Vinayak Harihar made phone call from his mobile phone to the informant and informed that, victim Rohit has sustained injuries by sharp edged weapon and he is lying in pool of blood near Kulkarni Canal to Shendkarwadi Road, Near poultry of one Gaurav Khengare. After receipt of said information, informant and his cousin Hemant Gadekar reached to the spot. Vinayak Harihar and Indrajit Mane were stopped there, they took both of them at the spot of incident. Informant noticed that, there were no natural movements of victim Rohit and there were multiple injuries on his face, neck by sharp edged weapon and he was lying in the pool of blood. Informant realized that, he is died. Verna car was parked by the side of road. Indrajit Mane had gave information of the incident to the police, therefore the police were reached to the spot. Informant told to the police that, it is dead body of his brother Rohit Gadekar. He also informed to police that, accused Amol Mane and Sagar Mane have committed his murder on account of payment of loan amount of Rs.15,00,000/-. On said report lodged by informant above referred crime has been registered against the accused.

8. This applicant/accused No.1 was arrested on 08/04/2025. He was remanded in Police custody. Now he is in Judicial Custody remand. Investigation is completed, charge-sheet is filed. Hence, he filed this application on the grounds raised in his application.

9. The prosecution has resisted the application by filing its reply at **Exh.7**. Contents in it are nothing but replica of contents of FIR. Further according to prosecution case, the offence is serious one. This applicant/accused No.1 is main offender, he had hatched conspiracy with accused No. 2 and 3 for committing murder of victim Rohit on account of repayment of loan of Rs.15,00,000/- obtained from victim and committed his brutal murder by deadly weapons axe, scythe and screw driver, by causing injuries on vital part of victim. If, accused no.1 is released on bail, there is every possibility of committing offence against person of prosecution witnesses. The accused No.1 and prosecution witnesses are resident of one and the same locality, therefore, there is every possibility of repetition of crime, pressurizing prosecution witnesses, tampering prosecution evidence. There is possibility of fleeing the accused from justice. There is possibility of repetition of crime. Hence, urged for rejecting the application.

10. The informant had filed his reply at **Exh.10** through advocate. Contents in reply Exh. 10 is on similar lines of the reply **Exh. 7** filed by the prosecution.

11. Heard arguments of both sides. Learned counsel for the applicant/accused submitted that, alleged incident took place on

06/04/2025, FIR has been lodged on next day. There were monitory transactions between victim and these accused. The entire case of prosecution is based on last seen and circumstantial evidence. The weapons alleged to have been used in commission of crime have been already recovered. Entire investigation is completed, charge-sheet is filed. Nothing remained to be recovered or discovered. There is huge time gap between last seen and time of death of victim. Indrajit Mane first saw dead body of victim. The conduct of informant not appears to be natural one. There are material variance in the contents of FIR and statements of witnesses. No MLC number has been shown in the supplement attached to the P.M. report. Recovery of articles is doubtful. No proof of motive. Informant is having criminal antecedents. CDR of the mobile phones not filed on record. Main role has been attributed to accused No. 2 and 3. The statement of witnesses are cyclostyle. There is no concrete link showing nexus of accused. Accused is ready to abide the conditions. Hence, urged for granting bail.

12. In support of his submission he placed reliance on following case laws:

Sr.No.	Name of Parties
1	<u>State of Maharashtra V. Subhash Balaji Kalbande, 2017(2) ABR(CRI) 901,</u>
2	Pravin Kadu V. State of Maharashtra, 2018(1) ABR (CRI) 199
3	State of Goa Vs. Sanjay Thakran & Anr., on 02/03/2007

13. The learned A.P.P. submitted that, from the contents of FIR itself that, motive and intention is clear that accused No. 1 and 2 were not intending to repay loan of Rs.15,00,000/- obtained from victim Rohit, on that count they quarreled with victim and committed his brutal murder. The memorandum statement of accused no. 1 and 2 categorically demonstrates motive and intention as well as criminal conspiracy hatched by them. PM report column no. 17 and 18 categorically shows multiple injuries, including injuries on vital part by sharp edged weapons. The contents of P.M. report clearly shows that, these accused have committed brutal murder in pre-planned manner. Last seen together has been categorically stated by the informant. Punishment provided for the offence registered against accused is capital punishment. Informant, prosecution witnesses are and accused are resident of same locality. There is every possibility of repetition of crime. There is danger to the life of informant and victim. Considering nature and gravity of offence there is every possibility of threatening witnesses, tampering evidence. Thus, as per his submission the accused is not entitled for bail.

14. Learned counsel Mr. Pataskar for the informant made submission on similar lines of the submissions made by learned APP.

15. In case of **State of Maharashtra Vs. Subhash Balaji Kalbande**, Hon'ble Bombay High Court held that,

“ If the time gap is very large, then it is not only difficult but may not even be proper for the court to infer that, the accused had been last seen alive with the deceased and the former, thus was responsible for commission of the offence”.

16. Facts in above cited case and present case are distinguishable. In above cited case before the Hon'ble Bombay High Court, PW 2 Suresh was interested witness. About 25 to 30 persons were there, where he met Meerabai near the truck which was going towards Asola Village for marriage. He stated that, about 100 persons had gone for attending marriage. However, no other witness was examined to corroborate deposition of PW 2, in which above cited view has been taken by the Hon'ble Bombay High Court. In present case it is not brought on record that, when informant had last seen victim Rohit in the company of accused No. 1 and 2 any other person was present there. Even there is no much time gap between last seen and death of victim. Therefore, the ratio laid down in above cited case is not much helpful to the accused No.1 while deciding bail application.

17. In case of **Pravin Kadu Vs. State of Maharashtra (Cited supra)** relied on behalf of accused, the Hon'ble Bombay High Court taken similar view, which is referred above in the case of **State of Maharashtra Vs. Subhash Kalbande**. The facts in the case of **Pravin Kadu Vs. State of Maharashtra (Cited supra)** are distinguishable from the facts of present case. In case of Pravin Kadu Vs. State of Maharashtra, it has been observed by the Hon'ble Bombay High Court that, as per evidence of PW 1 came in his cross-examination, appellant was not in the company of deceased at the time of incident. He had testified that, appellant was in his company at 1.00 AM and was slept by his side. As per evidence of Medical Officer probable time of death of victim was between 2.00 AM to 6.00 AM, in which above cited view has been taken by the Hon'ble Bombay High Court. In present case there is no such huge time gap

between last seen and time of death of victim. Moreover, in above cited case probable time of death was 2: 00 AM to 6:00 AM and according to testimony of PW 1 accused was in his company since 1:00 AM. Hence, the said ratio is not helpful to the accused No.1 in present case at this stage while deciding bail application.

18. In case of State of Goa Vs. Sanjay Tukaram and another, Hon'ble Apex Court held that,

“There has been a considerable time gap of approximately 8 = hours when D-2 was last seen alive with the accused couple. There being a considerable time gap between the persons seen together and the proximate time of crime, the circumstance of last seen together, even if proved, cannot clinching fasten the guilt on the accused”.

19. The facts in above cited case and present case are distinguishable. In present case there is no such time gap of 8 hours. The contents of FIR shows that, after 8.30 PM when he was returning back to his home after purchasing medicine tablets, he saw victim Rohit and both accused No. 1 and 2 while talking in loud voice on account of repayment of loan amount of Rs.15,00,000/-. Not only this but at about 9.39 PM when he made phone call to victim Rohit, victim informed him about quarrel going between himself and accused No. 1, 2. The statement of witnesses Vinayak Harihar, Indrajit Mane shows that, they saw the dead body of Rohit at 12.38 AM i.e. 00:38 AM. Therefore, the ratio laid down in above cited case is not helpful to the accused in present case.

20. In present case the contents of FIR, statements of witnesses Vinayak Harihar, Indrajit Mane, Hemant Gadekar, Memorandum panchanama, recovery panchanama prima-facie shows complicity of this accused No.1 in the serious offence of

committing murder of victim. The learned counsel argued that, there is delay in FIR. However, the record shows that, incident has been occurred between night of 05/04/2025 to 06/04/2025 in between 9:39 PM to 00:15 hours. FIR has been registered on 06/04/2025 at about 11:58 AM, there is no inordinate delay. The photographs placed on record and PM report particularly injuries shown in column No. 16,17,18 categorically shows brutal murder of victim has been committed by sharp edged weapons, by causing chopped wounds. The capital punishment or life imprisonment has been provided to the offence registered against the accused. Moreover, the prosecution has shown apprehension of danger to the life of informant, prosecution witnesses at the hands of accused. It also reveals that, the informant, prosecution witnesses are resident of one and the same locality. The possibility of threatening and pressurizing witnesses cannot be ruled out. Hence, considering nature and gravity of the offence this court is of the view that, the accused No.1 has not made out case for grant of bail in such serious offence in which capital punishment or life imprisonment has been provided. Hence, I proceed to pass following order.

ORDER

1. The Bail Application **(Exh.6)** filed in **Session Case No. 118/2025** by **accused No.1 Amol Vasant Mane** in connection with **Crime No.104/2025** registered with **Vadgaon Nimbalkar Police Station, Pune Rural**, for the offences punishable under **Section 103(1), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, r/w. Section 4(25) of Arms Act, is rejected.**
2. The bail application **(Exh.6)** is accordingly disposed of.

3. Intimate to the concerned police station accordingly.

Baramati.

Date : 04/09/2025.

[**B. D. Shelke**]

Additional Sessions Judge, Baramati

Dist. Pune

