

MHPU140023692023.



SESSIONS CASE No. 113/2020.

State of Maharashtra

Vs.

Pramod @ Pappu Ankush Pawar

ORDER BELOW EXH. 6

This regular bail application has been filed by the applicant-accused under Section 439 of the Code of Criminal Procedure in connection with Crime No. 747/2020 registered for the offence punishable under Sections 302, 176 and 177 of the Indian Penal Code at Yawat Police Station.

2] The prosecution case in nutshell is as under :-

On 31.07.2020 informant Popat Kamble - Police Patil of village Khutbav lodged report that on the same day at about 8.30 a.m. when he was in his house, he received a phone call from one Dada Dolare. Dada informed him that there is one murder of a lady and a gents at Matkalawasti by the side of canal. He immediately rushed to the spot and witnessed that two dead bodies i.e. one female and a male were lying in courtyard of hut of Devidas Jadhav. Accordingly, he gave information about it to Yawat police station. He also inquired with Devidas Jadhav and his daughter Balabai. They both told him that on 30.07.2020 their niece Manisha @ Hanibai @ Ashibai, her husband Mangesh and her sister's son in law Dipak had been to his house. At about 10.00 p.m. he along with his daughter Balabai slept in the hut, whereas the

relatives slept in courtyard. After some time there was some quarrel and they both woke up. They came out of the hut and saw that Mangesh was holding a sickle and stick in his hand and he was assaulting Manisha. At the same time Dipak was laying unconscious and there was bleeding injury on his head. They went to rescue them but Mangesh was not listening. Therefore they got frightened and both went inside the hut. In the morning they came out and saw both the dead bodies. Hence, the report.

3] The applicant-accused contended he is innocent. He did not commit any offence. He has falsely been implicated in the present crime. The eye witnesses are highly suspicious as even after witnessing such a gruesome act they did not contact anybody for help. There were no blood stains found on the weapons. There are other hutments near the spot of incident but none of the resident have been examined as witness. He is behind the bars since August-2020. There are no connecting evidence against him with the alleged crime. He is permanent resident of address mentioned in the title column of the application. He is the only earning member of his family. He is ready to abide by the conditions imposed upon him. Hence, prayed to allow the application.

4] The Investigating Officer opposed the application by filing say at Exh. 7. It is contended that the offence is serious one. There is ample evidence collected against the accused. The weapons have been seized from the spot of

incident. Yet the Chemical Analyzer's report has not been received. There are eye witnesses to the incident. If released on bail, the applicant-accused may commit similar type of offences, tamper prosecution evidence or may flee away. Hence, prayed for rejection of application.

5] The Ld. A.P.P. for the State has opposed the application by filing say at Exh. 8. It is contended that the offence is serious one. The accused has committed murder of two persons. There are eye witnesses to the incident. There is child eye witness of the incident. The weapons as well as cloths have been seized and sent for Chemical Analysis and its report is still awaiting. There is ample evidence collected against the accused. If released on bail, the applicant-accused may commit similar type of offences, tamper prosecution evidence or may flee away. Hence, prayed for rejection of application.

6] Heard learned Advocate Mr. G. S. Bhumkar for the applicant-accused and learned A.P.P. Mr. P. G. Joshi for the State. I have perused the documents on record. At the outset it is important to consider here that there is a double murder committed by the accused. The Investigating Officer has drawn the scene of offence panchnama and seized one iron sickle and wooden stick from the spot. Similarly, the clothes of the deceased persons as well as accused person have been seized. The Postmortem notes of both the deceased persons shows that they had received injuries on their person. The

statements of witnesses have also been recorded. It is worth to consider here that there are two eye witnesses of the incident, out of them one is only nine years old. The investigation has been completed and charge-sheet has been filed vide Sessions Case No. 113/2020. The Chemical Analyzer's report have been received and annexed in the papers.

7] Ld. Advocate for the accused has submitted that there is no direct or circumstantial evidence against the accused. Investigating is completed and hence accused is entitled for bail. In support of his submissions he has relied on following ratios:

- (i)- Firoz Vs. State of U.P [2020(1) All. Crl. Rulings 5],*
- (ii)- Akshay Suresh Hadavale Vs. State of Maharashtra [2015(2) Crime (SN) 367],*
- (iii)- Amanjot Singh Vs. State of Punjab [2019(1) Law Herald 665] and*
- (iv)- Narendrasinh Keshubhai Zala Vs. State of Gujrat [2023 DGLS(SC) 267].*

The facts of all the cited rulings differs from the case in hand, hence with due respect same has not been considered while deciding the present application.

8] As already discussed, there is direct evidence collected by the police against the accused. He has brutally assaulted both the deceased due to which they succumbed to

the death. Therefore, considering the facts and circumstances, manner of assault and evidence collected so far, the application deserves to be rejected. Hence, the order.

ORDER

The application is rejected.

Date :- 21.11.2023.

Sd/-
(J. P. Darekar)
Additional Sessions Judge 1,
Baramati, Dist. Pune.

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.

Dictated on : 21.11.2023.
checked on : 21.11.2023.
Signed on : 21.11.2023.
Order uploaded on : 21.11.2023.