



**Sessions Case No. 5/2023**  
(CNR No. : MHPU14-004719-2022)

**State of Maharashtra**  
**Vs.**  
**Sachin Dorage & Ors.**

**ORDER BELOW EXH. 39**

1. This bail application has been filed by the applicant/accused No.2 Rahul Manohar Dorage under Section 439 of Cr.PC. to release him on regular bail, in connection with Crime No. 693/2021 registered at Police Station, Yavat, Tal. Daund, Dist. Pune, for the offence punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code.

2. It is the case of prosecution that, on **09/08/2021** the son of first informant i.e. deceased Mangesh Borkar took off from work to go to Bhuleshwar temple. When first informant Maruti Dagadu Borkar came home at 05.30 p.m. that time he came to know that, deceased had a quarrel with wife of co-accused Balu Dorage and out of that grudge the accused persons had assaulted him with iron rod and sticks. When first informant went to the spot, he found that, his son Mangesh Borkar was lying in unconscious condition. He took him to Government Hospital at Yavat and then he was shifted to Sassoon Hospital, Pune. Subsequently he was discharged on **12/08/2021** where deceased had told him that, he was assaulted by accused persons including the **applicant**. That on **13/08/2021** when deceased Mangesh Borkar had stomach ache, he was taken to Patil Hospital at Varvand, Tal. Daund. However, on his admission doctor declared him as dead and accordingly the first informant lodged his report

to the police station.

3. According to applicant/accused No.2, charge-sheet has been filed in this case and entire investigation has been completed. Earlier the applicant had preferred bail application before the Hon'ble Bombay High Court, vide Criminal Bail Application No. **826/2022**, where the Counsel for applicant had withdrawn the said bail application with liberty to file fresh application after nine months by order dated **31/03/2023**. It is submitted that, the informant firstly had stated that, deceased son had got injuries in motorcycle accident which gets substantiated with the medical and postmortem reports and later, after death, informant stated the incidence as alleged in the FIR. According to applicant/accused, he is innocent and has not committed the alleged offence. The allegations levelled against him are totally false and frivolous and no any specific role has been mentioned against him. He further submitted that, there is no overt act attributed against the present applicant and he has been falsely implicated in this case. The applicant/accused has **neither** committed any offence, **nor** there is circumstantial link with effect that the offence is committed. There is no direct, indirect or circumstantial evidence against the present applicant in respect of commission of said offence. Applicant has undertaken to furnish surety to the satisfaction of this Court. He further submitted that, he is not habitual offender and there is no other crime is registered against him. By mentioning the other facts, at last, applicant has prayed for releasing him on bail.

4. On the other hand, investigating officer has filed his

say below Exh.40 and strongly opposed the present application on the ground that, applicant has committed very serious and heinous offence against the deceased. According to Investigating officer, there is strong and cogent evidence is available on record to show that, the applicant is directly involved in the alleged crime. In such situation, if applicant is released on bail, then possibility of tampering the prosecution witnesses as well as fleeing away from the trial cannot be ruled out and at last, Investigating officer has prayed for rejection of this application.

5. It is to be noted here that, while deciding the Criminal Bail Application No. **826/2022** (*Rahul Manohar Dorage Vs. The State of Maharashtra*) with Interim Application No. **150/2023** on **31/03/2023**, the Hon'ble Bombay High Court has passed its order in following words,

The learned Senior Counsel for the applicant on instructions seeks leave to withdraw the present application with liberty to file fresh application for bail before the trial Court after nine months. The application is disposed of as withdrawn with liberty as sought for. Interim application also stands disposed of.

Date : 31/03/2023.

sd/-xxx

and subsequently the applicant has filed the present application.

6. Read application, and say given by Investigating officer. Heard both side at length. Perused the record.

7. I have carefully gone through the record. The copy of FIR dated **13/08/2021** specifically disclose about the said incident, where deceased Mangesh Borkar stated with the first informant

that,

"आज दिनांक १३/०८/२०२१ रोजी सकाळी मी त्याला मारहाणीबाबत विचारले असता, "बाळू दोरगे याच्या बायकोशी माझे वाद झालेने दिनांक ०९/०८/२०२१ रोजी दुपारी ०२.३० ते ०३.०० वाजताचे सुमारास बाळू दोरगे याचे शेतामध्ये बाळू दोरगे, त्याचा भाऊ राहूल दोरगे व मुलगा आदित्य दोरगे यांनी मला लोखंडी गज व लाकडी काठीने पोटात, हातावर, पायावर व डोळ्यावर बेदम मारहाण केली आहे",

and he further added that,

"तरी, दिनांक ०९/०८/२०२१ रोजी दुपारी ०२.३० ते ०३.०० वाजताचे सुमारास मौजे यवत गांवामधील बाळू दोरगे याचे शेतामध्ये त्याच्या पत्नीबरोबर झालेल्या वादातून बाळू दोरगे, त्याचा भाऊ राहूल दोरगे व मुलगा आदित्य दोरगे असे लोकांनी माझा मुलगा मंगेश बोरकर, वय २५ वर्षे, याला लोखंडी गज व लाकडी काठीने पोटात, हातावर, पायावर व डोळ्यावर बेदम मारहाण केली व या मारहाणीमुळे त्याचा मृत्यू झाला आहे. म्हणून माझी वरील तिघांचे विरोधात कायदेशीर तक्रार आहे".

8. Moreover, the eye witnesses also categorically stated in their statements about the active role played by the applicant/accused in the commission of this crime along with other co-accused. The copy of postmortem report of deceased Mangesh Borkar available on record reflects that, in the said incident deceased had sustained various injuries and cause of death is opined as "**death due to multiple injuries**". The material available on record, prima facie clearly shows the direct involvement of the applicant in this crime. In this case the prima facie homicidal death is taken place. Spot panchanama reflects the manner in which the deceased was assaulted. Crime is serious in nature. Hence, if applicant released on bail, then he being one of the prime accused, the apprehension that he may tamper the prosecution witnesses

cannot be ruled out. Hence, looking the facts advanced before me, I find substance in the submission advanced by learned APP for State that, if applicant/accused is released on bail, then possibility of pressurizing the witnesses as well as fleeing away from the trial cannot be ruled out. In such situation, I am not inclined to allow this application and proceed to pass following order.

**ORDER**

1. The application (Exh.39) is rejected.
2. Intimate to the concerned police station.
3. The application is accordingly disposed of.

Baramati.  
Date : 02/04/2024.

**[ R. K. Deshpande ]**  
Additional Sessions Judge, 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 the Steno :- **Shri. D. L. Gudde,**  
Stenographer (Grade-I)

Name of the Court :- **Shri. R. K. Deshpande,**  
District Judge- 2 &  
Additional Sessions Judge,  
Baramati, Dist. Pune.

Date of Order :- 02/04/2024

Order checked & signed  
by presiding officer on :- 02/03/2024

Order uploaded on :- 03/04/2024.