



Order below Exh.145 in Sessions Case No.07/2024

(State Vs. Ganesh Mohite)

By the present application, the accused seeks temporary bail for a period of fifteen days. The applicant is facing trial for the offence punishable under Section 302 of the Indian Penal Code in Crime No.191 of 2023 registered with Revdanda Police Station. The application is founded on the ground that the accused's mother is suffering from fistula and has been advised to undergo surgery. It is contended that there is no other family member available to look after her during and after the surgery and, therefore, the accused be temporarily released on bail for a period of fifteen days.

02. Learned Advocate for the applicant submitted that the accused has been in judicial custody since 22.10.2023. Investigation is already complete and charge-sheet has been filed. It is further submitted that almost all prosecution witnesses have already been examined before this Court and only the Investigating Officer remains to be examined. According to the learned counsel, the possibility of tampering with the prosecution evidence has substantially diminished. It is further argued that the prayer is not for regular bail but only for temporary bail on humanitarian grounds and the accused undertakes to surrender immediately on expiry of the period

granted by the Court. It is also submitted that the accused is a permanent resident of the local jurisdiction and there is no likelihood of absconding.

03. Learned DGP strongly opposed the application. It is submitted that the allegations against the accused disclose a heinous and premeditated double murder wherein the accused allegedly administered poisonous substances to his own sisters, namely Sonali and Sneha Mohite, resulting in their death. Learned APP invited attention to the material collected during investigation and submitted that prior to the incident the accused allegedly searched Google on several occasions regarding poisonous substances, their effects, symptoms and time required for causing death, indicating prior preparation. It is further submitted that poisonous substances including RATOL and insecticide were recovered at the instance of the accused and the Forensic Science Laboratory reports reveal the presence of Zinc Phosphide in the seized articles, in the viscera of deceased Sonali and also in the vomitus collected from the spot. Learned DGP further submitted that during investigation it transpired that the accused had attempted to mislead his own mother and the deceased by suggesting that the incident was the handiwork of relatives owing to property disputes and thereby attempted to divert suspicion. It is also pointed out that the complainant is none other than the mother of the accused and if the accused is released even temporarily there exists a real possibility of influencing or pressurising the complainant and other witnesses. It is therefore prayed that the application be rejected.

04. I have carefully considered the rival submissions. I have also perused the application, the reply filed by the prosecution and the material made available.

05. At the outset, it is necessary to note that the present application is not one seeking regular bail but temporary bail on humanitarian grounds. Nevertheless, even while considering an application for temporary bail, the Court cannot lose sight of the nature and gravity of the offence, the prima facie material collected during investigation and the possibility of misuse of liberty.

06. The accusation against the applicant is of committing the murder of his own two sisters by administering poison in food or drink. The prosecution has placed reliance upon various circumstances including the alleged internet searches made by the accused before the incident relating to poisonous substances, the recovery of poisonous articles at his instance, the forensic reports allegedly detecting Zinc Phosphide in the recovered articles, in the viscera of one of the deceased and in the vomitus collected from the scene of occurrence. The prosecution has also alleged that after the incident the accused attempted to divert suspicion towards other relatives by taking advantage of an existing property dispute. Though these circumstances are yet to be appreciated during the final adjudication of the trial, they do constitute prima facie material which cannot be ignored at this stage.

07. It is true that the applicant has remained in custody since 22.10.2023. It is equally true that investigation is

complete, charge-sheet has been filed and almost all prosecution witnesses have been examined. However, merely because the evidence is substantially recorded, it cannot automatically be presumed that there is no possibility of influencing the remaining witnesses or the complainant. The complainant in the present case is the mother of the accused herself. The prosecution specifically alleges that even during investigation the accused had attempted to influence and mislead family members regarding the cause of the incident. In such circumstances, the apprehension expressed by the prosecution that the accused may influence the complainant or the remaining witnesses cannot be said to be wholly unfounded.

08. The principal ground urged in support of the application is the alleged illness of the accused's mother. However, except making a general assertion that she is suffering from fistula and has been advised surgery, no medical papers, hospital records, admission advice, operation schedule or certificate issued by the treating doctor have been produced before the Court. There is also no material indicating the date of the proposed surgery, its urgency or the necessity of the accused's presence during the post-operative period. Likewise, there is no satisfactory material demonstrating that absolutely no other person is available to attend to the medical needs of the accused's mother.

09. Temporary bail on humanitarian grounds is undoubtedly a recognized relief. However, the applicant is required to place before the Court credible and satisfactory material establishing the exceptional circumstances necessitating

such relief. In the absence of supporting medical evidence, the Court is unable to record its satisfaction regarding the genuineness and urgency of the ground pleaded by the applicant.

10. Having regard to the serious nature of the accusation, the prima facie material collected during investigation, the possibility of influencing the complainant who is the mother of the accused, and more particularly the absence of satisfactory documentary evidence substantiating the alleged medical emergency, I am of the considered opinion that no case is made out for grant of temporary bail at this stage.

11. However, if the applicant subsequently produces authentic medical documents demonstrating that the surgery of his mother has been scheduled, that her condition requires immediate post-operative care and that no other person is available to look after her, it shall be open to him to file a fresh application for temporary bail, which shall be considered independently on its own merits without being influenced by the present order.

ORDER

1. The application preferred by accused Ganesh Shankar Mohite seeking temporary bail for a period of fifteen days in Sessions Case No.07 of 2024 arising out of Crime No.191 of 2023 registered with Revdanda Police Station for the offence punishable under Section 302 of the Indian

Penal Code is rejected.

2. The application stands disposed of accordingly.
3. Intimate the order to jail superintendent forthwith.

(Pronounced in open Court.)

Alibag,

Date:- 27/07/2026.

(S.D.Bhagat)

Additional Sessions Judge,
Raigad-Alibag.