

: ORDER BELOW EXH.4 IN SESSIONS CASE NO.19/2026 :
(CNR No. MHRG15-000234-2026)
(Passed on 18.06.2026)

1) The present application has been filed by accused no.2 **Tushar @ Sonya Sharad Patole**, for regular bail in the present case in connection with C.R. No.18/2026 registered at Mangaon Police Station, for offence punishable under sections 103(1), 311 r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2) **Prosecution case in brief is that :**

Accused no.1 to 3 by conspiring together booked Innova Crysta Car bearing registration No.MH-12/XM-9498 which was driven by deceased on hire basis from his relative. Accused transfer booking amount into the Account of deceased, which was in the name of Adi Tours and Travels. While deceased and accused travelling from Pune to Mahabaleshwar and Ganpatipule via Tamhini Ghat, accused no.1 to 3 carrying Nylon rope and Scythe in their bag. As per conspiracy, accused no.1 to 3 strangled deceased by Nylon rope and made him unconscious. Thereafter, accused assaulted deceased on head and neck by Scythe and killed him. Then took Innova Crysta Car and two mobile phones from possession of deceased. Accused also destroyed Dash Camera in Innova Car and one mobile phone of deceased, thereby committed alleged offence.

3) Ld. Advocate Shri. K. D. Gaikwad for accused submitted that F.I.R. was lodged against unknown person and there are no eye-witnesses to the alleged incident. Further there is no material demonstrating motive to murder deceased. Further there is no prior conspiracy or meeting of minds involving this accused in the crime. This accused involved in the offence merely on the statement of co-accused, which has no evidentiary value. There is no criminal antecedent against this accused and he is permanent resident of Pune. Accused is in jail since 12.01.2026 and his prolonged pre-trial detention amounts to punishment before conviction. Investigation was completed and charge-sheet has been filed. Accused undertake to abide conditions of bail.

4) Investigation officer filed say (Exh.5) and Ld. A.P.P. Shri. Tendulkar filed say (Exh.6) and strongly opposed bail application. It is submitted that, this accused played active role in commission of crime. This accused was present alongwith other accused at the time of transferring booking amount into the Account of deceased and was also present at the time of handing over Innova Crysta Car to agent for sale. Further, co-accused in his Memorandum Statement taken name of this accused that he assaulted deceased by Scythe on head. There are material against accused in the charge-sheet. Offence is serious and punishable with death and imprisonment of life. Accused if released on bail, will tamper with prosecution evidence and witnesses. In support of its contention, prosecution relied on

following case laws : (1) **Vijay Rajendra Kachi Vs. State of Maharashtra 2017 ALL MR (Cri) 4229**, (2) **Aminabi w/o. Abed Shah and Anr. Vs. State of Maharashtra, 2026 ALL MR (Cri) 1461**, (3) **Virupakshappa Gouda Vs. State of Karnataka (2017) 5 SCC 406**.

5) Heard both the sides. Perused application, say filed by prosecution, and charge-sheet.

6) I have carefully perused case papers statements, material placed on record. At this stage it is not expected to conduct mini trial, however the material on record *prima facie* indicates strong motive for commission of offence. The role attributed to this accused is serious as this accused assaulted deceased by Scythe on his head and neck. Further it appears that accused no.1 to 3 transferred money into the Account of deceased through third person namely Deepak Subhash Dhumane, which shows their intention and pre-plan to commit murder. After commission of murder, accused no.1 to 3 visited one Agent namely Rameshwar Ashok Kokate for selling Innova Car. It appears that this accused was present from booking of Innova Car till parking car at Agent's place. There is recovery of weapons of assault under Memorandum Panchanama from co-accused. Medical Officer opined that injuries on body of deceased can be possible by Scythe. Witness Sushant Bapurao Shinde stated that he had seen deceased with accused no.1 to 3

in the Innova Car. Overall it appears that there is *prima facie* material against this accused in the charge-sheet. Considering gravity of offence there is high chances of tampering with prosecution evidence and witnesses. Though initially F.I.R. was lodged against unknown person, role of accused no.1 to 3 revealed during investigation. There is circumstantial as well as direct evidence showing involvement of this accused.

7) In case law of **Vijay Kachi** (supra) Hon'ble Bombay High Court rejected bail application in murder case observing that if two or more persons accompanied main accused, it cannot be said that applicant was just an accomplice. In case law of **Aminabai** (supra) Hon'ble Bombay High Court at Aurangabad Bench while rejecting bail application in murder case observed that *prima facie* case against the accused has to be considered. In case law of **Virupaksha Gauda** (supra) Hon'ble Supreme Court dismissed appeal against order of Hon'ble Karnataka High Court rejecting bail application in murder case.

8) Overall from charge-sheet it appears that brutal murder has been committed by accused by hatching plan and there is material in the charge-sheet against accused.

9) In view of the seriousness of the offence, gravity of allegations and *prima facie* material available on record forming chain of circumstances against the accused, this Court is not

inclined to exercise discretion of grant of bail in favour of accused. Hence, I proceed to pass following order.

: ORDER :

Bail application (Exh.04) is rejected.

Sd/-

Mangaon.
Date: 18.06.2026.

(M. K. Patil)
Additional Sessions Judge,
Mangaon, Dist. Raigad.