



Sessions Case No.43/2025
State Vs. Vandan Punekar & Ors.
CNR No.MHRG150005962025

ORDER PASSED BELOW EXH.13

- 1) The present application has been filed by the **accused No.03 Akshay Sachin Jadhav**, for regular bail in the present case for offence punishable U/s. 103(1), 238 r/w.3(5) of BNS, 2023.
- 2) Prosecution alleges that, accused in furtherance of their common intention committed murder of Sunil Dada Hase and thereafter threw his dead body in a pit near highway and caused the evidence of commission of offence to disappear with intention of screening themselves from the offence.
- 3) Ld. Advocate Shri. Dighe for accused submitted that accused has been falsely implicated in the present offence. A missing complaint in respect of father of informant was lodged. Thereafter ADR was registered and thereafter FIR was lodged against unknown person. Name of this accused not in FIR, ADR, 164 statement of witnesses. The last seen evidence pertains to accused no.1. The alleged car of deceased was found at open place. The alleged fingerprint on the bottle is doubtful and planted as said bottle was not seized from the car as per panchnama. There is no material in the charge-sheet against the accused. Further submitted that grounds of arrest not communicated to the accused as per guidelines given by the Hon'ble Supreme Court in the judgment of **Mihir Rajesh Shah**.

Besides, as per section 48 of BNSS, 2023 information about arrest not given to the relatives of the accused. Further submitted that accused is permanent resident and has no criminal antecedent. He is ready to abide conditions imposed by this Court if released on bail. Hence, prayed for grant of bail. In support of contention Ld. Advocate for accused relied on case laws which are discussed in later part of the order.

4) Investigation officer filed say(Exh.14) through Ld. A.P.P. Shri. Tendulkar and strongly opposed bail. It is submitted that, investigation revealed that accused has administered sedative tablets in tea of deceased and thereafter strangled him. Finger prints of this accused were found on various articles such as mirror and bottle in Car. At the instance of the accused articles belong to deceased such as purse and steel bracelet were recovered. This accused was seen in the CCTV footage alongwith accused no.1 purchasing tablets, which is corroborated by statement of shopkeeper and receipt of tablets. There is strong circumstantial chain of evidence forming against this accused. Viscera of deceased was preserved and sent to FSL for analysis and report is awaiting. Offence is serious in nature punishable with death or life imprisonment. Accused and witnesses are reside in the nearby areas, hence there is strong likelihood of tampering with evidence and influencing witnesses. Thus, prayed for rejection of bail.

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

6) The Court has to scrutinize material in the charge-sheet while deciding after charge-sheet bail application. It is true that name of this accused is not appearing in the missing complaint, ADR or FIR. However, it is well settled that FIR is not an encyclopedia and subsequent investigation may reveal involvement of other accused. The material recovered during investigation indicates prima facie involvement of this accused. Articles belongs to accused recovered as per memorandum statement of this accused. At this stage Court is not required to meticulously examined probative value of each prosecution evidence. The contention of Ld. Advocate for accused as regards planting of finger print evidence is matter of trial. The allegation disclosed pre-planned conspiracy and brutal offence of murder, followed by attempt destroy evidence. The role attributed to this accused is not minor. Further, during investigation it was revealed that accused no. 1 had illicit relationship with the deceased and she had also taken money from deceased on pretext of arraigning a girl for his marriage and upon failure to returned the money and also due to the alleged interference of the deceased in her matrimonial life with accused no.2, all accused conspired to eliminate deceased. This accused is son-in-law of the accused no.1.

7) In (i) **Mihir Rajesh Shah Vs. State of Maharashtra & Ors., Cri. Appeal No.2195 of 2025**, wherein the Hon'ble Supreme Court held that in all cases ground of arrest shall be communicated in writing in the language understood by

accused. This judgment is not helpful to the accused as it appears that, grounds of arrest has been communicated to the accused in the Marathi language in writing.

(ii) **Ganesh Bhavan Patel & Anr. Vs. State of Maharashtra, Cri. Appeal No.64 of 1974**, this judgment is in respect of appeal after full fledged trial, hence not applicable to the bail.

(iii) **Vihaan Kumar Vs. State of Haryana & Anr., Spl. Leave Petition (Cri.) No.13320 of 2025**, wherein the Hon'ble Supreme Court held that compliance of Article 22(1) of the Constitution of India is satisfied if accused made aware of the grounds of arrest in substance even if not given in writing. This judgment is not helpful to the accused as it appears that, grounds of arrest has been communicated to the accused in the Marathi language in writing.

(iv) **Raosaheb Patole Vs. The State of Maharashtra, Cri. Bail Appl. No.373 of 2011**, wherein the Hon'ble Bombay Court held that pendency of number of cases can not be ground for refusing bail.

8) Further from record it also appears that, information about arrest of accused has been given to father of accused namely Sachin Govind Jadhav and thereby compliance of section 48 of BNSS, 2023 has been made.

9) Further, considering accused and witnesses residing in nearby areas, possibility of tampering with evidence or influencing witnesses cannot be ruled out. In view of the

seriousness of the offence, nature of allegations and prima facie material available on record forming chain of circumstances against the accused, this Court is not inclined to exercise discretion in favour of accused. Hence, I proceed to pass following order.

ORDER

The application(Exh.13) is rejected.

Sd/-

Mangaon.

(M. K. Patil)

Date: 01.04.2026.

Addl. Session Judge, Mangaon.