



Sessions Case No.60/2025

State of Maharashtra Vs.

Kalpesh Baban Jadhav.

CNR No.MHRG150008052025

ORDER PASSED BELOW EXH.04

- 1) The present application has been filed by the accused **Kalpesh Baban Jadhav** u/s.483 of BNSS, 2023 for regular bail in the present case for offences punishable u/s.103(1), 311, 333 of the BNS, 2023.
- 2) The allegations against the accused is that, accused entered into the house of informant in order to commit robbery and while committing robbery committed murder of wife of informant. Further, accused took away gold ornaments and mobile phone of wife of informant.
- 3) Ld. Advocate Smt. A. R. Sarad submitted that, accused has been falsely implicated in the present offence. He belongs to Adivasi Community and there no criminal antecedent against him. There is no eye witness to the alleged offence. There is no direct evidence in the charge-sheet indicating involvement of the accused. The circumstantial evidence does not made out prima facie case against the accused. The alleged recovery of ornaments is not matching with the description of gold ornaments. Further, alleged gold ornaments not identified by informant in test identification parade. The accused has been implicated only on the basis of alleged recovery of mobile from the possession of accused. The said mobile was found to the wife of accused, which she did not disclosed to the accused. Further, CDR report shows tower location of accused near the house of informant at the

relevant time, because accused and informant resided in the same vicinity having same mobile tower location. The investigation has been completed and charge-sheet has been filed. Accused is in custody from 29.08.2025. Further custody would adversely affect his defence. Accused ready to abide conditions imposed by this Court while granting bail. Informant is residing at Mumbai and there is no chances of tamper with prosecution witnesses. Thus, prayed for released of accused on bail.

4) Investigation officer filed say(Exh.06) through Ld. A.P.P. Shri. Tendulkar and strongly opposed bail application. It is submitted that, as per memorandum statement of accused gold ornaments and mobile has been recovered from custody of accused. Statement of jewelers and mobile repairing shop owner has been recorded, wherein they stated involvement of accused in the crime. There is direct involvement of the accused. Further, accused, informant and witnesses are residing in the neighboring villages and if accused is released on bail he will tamper with prosecution witnesses and evidence. The offence is serious in nature punishable with imprisonment for life or death. Hence, prayed for rejection of bail application.

5) Heard both the sides, perused application, say and charge-sheet.

6) From perusal of charge-sheet it appears that, as per memorandum statement of accused, mobile and gold ornaments has been recovered from the custody of accused. In respect of

which statement of jewelers has been recorded, wherein he had stated that accused sold said ornaments to him. Further, in statement of mobile repairing shop owner he has stated that, accused had repaired mobile in his shop. The description of mobile and one gold ornament (कर्णफुले) is matching with the description given by informant in the F.I.R. The submission of Ld. Advocate for accused that, mobile was found to the wife of accused can not be consider at this stage. The allegations against accused is serious, punishable with imprisonment for death or life. Thus, mere non-matching of description of one recovered gold ornament can not be read in isolation, when there is other evidence which prima facie indicates involvement of the accused in the offence. Further, accused, informant and witnesses are resident of same village. Hence, tampering of prosecution evidence and witnesses can not be ruled out. Though, investigation is completed and charge-sheet has been filed, there is material in the charge-sheet showing direct involvement of the accused in the offence. Thus, considering gravity of the offence and the nature of evidence available on record this Court is of the view that, it would not be appropriate to release accused on bail at this stage. Hence, I proceed to pass following order.

::ORDER::

The bail application(Exh.04) is rejected.

Sd/-

Mangaon.
Date: 24.03.2026.

(M. K. Patil)
Addl. Session Judge, Mangaon.