

MHRG170001892022



IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL RAIGAD
ORDER BELOW EXHIBIT 3 IN SESSIONS CASE NO.10/2022
PANVEL CITY POLICE STATION C.R.NO.446/2021
(Dated 13/10/2022)

1] The applicant/accused No.1 **Nanda Jaywan Thakur** is seeking bail as per section 439 of Cr.P.C.

2] It is submitted that on 14/08/2021 informant Rajesh Balaram Patil has lodged his report. According to the informant on said day at 02.30 p.m. he was called at Panvel City police where witness Rushikesh Thakur was present . Said Rushikesh Thakur disclosed that, his mother the accused No.1 on 13/08/2021 at about 04.00 p.m. met him at bus stand and informed that, she had assaulted B.C.Patil a person known to her, in her house. He also informed that, mother said to him that, she is going to police station and he should go to home.

3] According to informant from 13/08/2021 from 03.00 p.m. to 14/08/2021 at 04.00 p.m. his father Balaram Patil was assaulted by tiing his hands and legs and was killed. The golden ornaments and his mobile phone was forcibly taken away.

4] On this report aforesaid crime bearing C.R.No. 446/2021 was registered in Panvel City Police Station, for the offence p/u/sec.302, 397, 120 (B), r.w.34 of IPC.

5] Applicant/accused No.1 submits that, she was arrested on 15/08/2021. Since 07/09/2021 he is in judicial custody. It is submitted that, accused is innocent. She had no concern with the said crime. Investigation is completed and charge-sheet is filed. Since last 6 months accused is in jail. Accused is suffering from diabetics. She is ready to abide all the conditions and pray for release on bail.

6] Prosecution submits that, offence is serious. The offense is committed by conspiracy alongwith accused Mangesh. It is also submitted that if bail is granted accused will tamper with the evidence of the prosecution and she may abscond.

7] Heard Ld.Advocate Shri R.R.Patil for the accused and Ld.APP.Shri C.Y.Patil Following point is formulated for determination, the points alongwith findings and the reasons thereto is as under.

<u>SR.NO.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Does applicant/accused No.1 has made out justifiable grounds for grant of bail as per section 439 of Cr.P.C. ?	... In the negative.
2.	What order ?	... As per final order

REASONS

As to point No.1 :-

8] It is submitted on behalf of the accused that, case is based on circumstantial evidence. The statements of Rushikesh is

pointed out and it is submitted that, present accused immediately informed that, she had only assaulted the deceased and she was about to reach the police station. Further, the statement of witnesses Ashish and Nagendra are pointed out. It is submitted that, the trial is delayed. Prosecution has listed as many as 52 witnesses and trial will not conclude immediately.

9] On the other hand Ld.APP pointed out statement of witness Sanjay, Harishchandra and Pandharinath. It is also pointed out that, after the arrest of accused No.1 she was medically examined and three injuries were found on her person.

10] At the outset it be noted that, case of the prosecution is based on extra judicial confession. Prima facie the medical examination of the accused No.1 shows three injuries on her person. Similarly, there are injuries on the person of accused No.2. these injuries were revealed when the accused were arrested and medically examined. If the statements of witness Ashish and Nagendra Yadao are considered as prima facie material, then these neighbours have stated to police that, on the day of incidence they have heard noise of two male persons and of the accused No.1 in her house which was closed. The statements of Sanjay, Harishchandra and Pandharinath prima facie shows that, accused No.1 had taken money from these persons.

11] In backdrop of this prima facie material, if the submissions of Ld.Adv.for the accused No.1 are considered then at

this stage inference cannot be drawn that accused No.1 had only a quarrel with deceased Balaram Patil. Inference cannot be drawn that, accused No.1 left her house after the quarrel and some unknown person robbed Balaram Patil and killed him. Prima faice on considering the material in the charge-sheet, case of the prosecution is not only based on circumstantial evidence but there is an extra judicial confession, coupled with corroborative evidence in the form of statements of the witnesses.

12] The ground is that accused No.1 is suffering from diabetic cannot be considered to enlarge her on bail in a serious offense.

13] Thus I find that, there are no justifiable grounds to grant bail. I answer point No.1 in the negative and pass following order.

ORDER

Application Exh.3 is rejected.

Panvel
Date :-13/10/2022.

(Jairaj D.Wadne)
Additional Sessions Judge,
Panvel-Raigad

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer	: S.J.Sheth
Name of the Court	: Additional Sessions Judge, Panvel Raigad
Date of dictation	: 13/10/2022
Order signed by the P.O.on	: 13/10/2022
Order uploaded on	: 17/10/2022