

MHRG170003542023



ORDER BELOW EXH. 41
IN SESSIONS CASE NO.43/2023
KHANDESHWAR C.R.NO.243/2022
THE STATE OF MAHARASHTRA V/S. DEVAVRAT RAJENDRA
RAUT AND OTHERS
(PASSED ON 18th DAY OF JANUARY, 2025)

This application is on behalf of the applicant/accused No.5 – Pankaj Narendrakumar Yadav vide Section 439 of the Code of Criminal Procedure to enlarge him on bail.

2. This application is strongly opposed on behalf of prosecution as per reply Exh.42.

3. Points for the determination and my findings thereon for the reasons stated below ;

SR. NO.	POINTS	FINDINGS
I.	Whether grounds are justified to release the applicant/accused No.5 on bail vide Section 439 of the Code of Criminal Procedure ?	No.

II.	What Order ?	The application is Dismissed.
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REASONS

4. Perused application, say filed. Heard learned advocate for the applicant/accused No.5 Shri. Mahesh Gunjal and learned A.P.P. Shri.C.Y.Patil and Shri.Y.S.Bhopi for the State.

AS TO POINTS NO. I :

BRIEF FACTS OF PROSECUTION :

5. The informant is one Rajendra Kundansingh Rawat. The incident took place on 15.09.2022. The deceased is the daughter-in-law of the informant. The accused No.1 - Devavrat is the husband of deceased. It was murder of daughter-in-law of informant and wife of accused No.1 near Panvel Railway station at about 9.45 p.m to 10.10 p.m by sharp weapon cutting her throat.

6. On that count, the informant lodged the report dated 16.09.2022 at Police Station, Khandeshwar. The Police Station, Khandeshwar registered Crime No.243/2022 for the offence under Section 302 of the Indian Penal Code against unknown person. Later on involvement of present applicant/accused No.5 and other accused persons is made out. During investigation, investigating

officer added Section 120-B and 34 of the Indian Penal Code.

7. The police arrested the applicant/accused No.5 – Pankaj Narendrakumar Yadav on 18.09.2022 and produced before the Court on 19.09.2022. Initially, he was remanded to police custody till 22.09.2022 which was extended till 26.09.2022 and thereafter remanded to judicial custody as per order dated 26.09.2022. Presently, the applicant/accused No.5 is in Judicial Custody.

NOTICE TO VICTIM :

8. In the light of directions of Hon'ble Apex court in the case of **Jagjeet Singh V/s. Ashish Mishra @ Monu in Criminal Appeal No.632/2022 Dated 18.04.2022**, a victim is entitled to be heard at the stage of adjudication of bail application of accused. Relying upon these observations, the notice is issued to the victim I.e mother of deceased. The said notice is served to her. She appeared and strongly objected to release the applicant on bail.

WHETHER GROUNDS OF BAIL ARE MADE OUT ?

9. The incident took place on 15.09.2022 at about 9.45 p.m to 10.10 p.m at Panvel Railway station. The deceased was a young married lady aged 29 years and she was returning to home

after her office work. The informant is father-in-law of deceased and accused No.1 is the husband of deceased. The cause of death of deceased is unnatural and it is mentioned in postmortem report as '*haemorrhagic shock following cut throat injury*'. The investigating officer recovered knife used as a weapon of offence in commission of offence.

10. The investigation of this crime is set at rest as such, charge-sheet is filed against the accused No.1 to 6. Initially accused No.1- Devavrat and accused No.2-Nikita were arrested. According to prosecution, accused No.1 and 2 were in extra-marital relations to which deceased had opposed. These accused have hatched the conspiracy to end deceased with the help of other accused. The involvement of accused No.3 to 6 is made out as such, they were arrested. The accused No.2 was a teacher in a coaching class conducted by accused No.3. Earlier accused No.2 and 3 were in illicit relations and at the instance of accused No.2, accused No.3 aided to her in commission of crime. The rest accused No.4, 6 and present applicant are from the other district Buldhana, Maharashtra. According to prosecution, they are contract killers.

11. In the light of foregoing, as per the case of prosecution, the accused No.2 is the kingpin of the crime and she has plotted the crime of murder of deceased with the help of present applicant and accused No.1, 3 to 6. The incident of murder took place at Panvel

Railway Station.

12. Learned advocate of applicant vehemently argued that the present applicant has no concerned with the offcece of murder. The incident of murder took place at Panvel Railway Station. There is no recovery from this applicant. The two knives which were seized from the place where he resided, are not the weapon used in the crime. The presence of this applicant in CCTV is not clearly identified. The knife which is seized in connection with the crime, that was from the spot. The eight footages of the Railway Station has no clear presence of this applicant over there. Thus, he prayed for bail.

13. Per contra, learned A.P.P and the investigating officer replied that the involvement of present applicant is apparently made out. This applicant has followed to the deceased. He was behind the deceased at Railway Station, Panvel. He has stilt the throat of the deceased by the knife and the said knife is recovered from the spot. This applicant was using cell phone of accused - Rohit and his location was at Railway Station, Panvel in call data record. The present applicant has criminal antecedents.

14. In the light of this rival submission coupled with perusal of the charge-sheet, it transpires that it is a cold blooded murder with the help of contract killers. The accused No.2-Nikita is the principal offender. The accused No.1 and 2 were in extra-

marital relations and deceased was obstruction to their illicit relations as such, they plotted the crime to remove the obstacle with the help of contract killers to which present applicant aided to them.

15. In the light of Call Data Record and the submission of prosecution, it appears that the present applicant was following to the deceased at Panvel Railway Station. Though his presence is not clearly viewed in the CCTV footage however his presence can not be denied. Further his presence at the spot is marked with the help of Call Data Record. This applicant has used the cell phone of other accused – Rohit.

16. The accused No.1 was constant touch with the deceased on the day of incident. He was taking the inputs of her location and same was transmitted to accused No.2 and she has shared the information to accused No.3. This accused No.3 shared the information to accused No.4, 6 and present applicant. The presence of applicant at the time of incident was near to the Panvel Railway Station. The accused No.4 has shown the place of shop from where three knives were purchased. One of the knife was used in the crime and rest two knives were recovered from the place where the present applicant was resided with other accused. This applicant prior to this incident has one more crime of attempt to murder in other District of Maharashtra. The date of offence in earlier offence was on 03.09.2022. Pursuant to the said crime of

attempt to murder the present applicant and other accused have fled away from that district and taken shelter at Mumbai. Then they have hatched the conspiracy of the murder by way of contract killing in lieu of Rs.5 Lack.

17. On perusal of the charge-sheet, there is sufficient material as to the involvement of present applicant. The present applicant and others have hatched criminal conspiracy to murder deceased. Though the investigation is set at rest and the applicant is behind bar, however looking to the magnitude of the crime and it was a contract killing, the applicant does not deserve for bail. I answer Point No.I in the negative. With this, I pass following order ;

ORDER

1.	The application for regular bail vide Section 439 of the Code of Criminal Procedure on behalf of the applicant/accused No.5 – Pankaj Narendrakumar Yadav is dismissed.
2.	A soft copy of this bail order be forwarded to the applicant/accused through Superintendent, Taloja Jail by e-mail for information in view of observation of Hon'ble Apex Court in the case of In Re Policy Strategy

	For Grant of Bail in SMWP (CRIMINAL) NO.4/2021, Dated 31.01.2023.
3.	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

Place : Panvel.

**(K.G. Paldewar)
Additional Sessions Judge,
Panvel**

Date : 18.01.2025

Arguments heard on	15 th Day of October, 2024, 18 th Day of November, 2024 and 15 th Day of January, 2025.
Judgment/order delivered on	18 th Day of January, 2025.
Dictated on	18 th Day of January, 2025.
Transcribed on	18 th Day of January, 2025.
Checked and signed on	20 th Day of January, 2025.

CERTIFICATE

I affirm that the contents of this PDF file
Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer : K. N. Lokhande
Name of the Court : Additional Sessions Court,
Panvel
Date of Judgment/Order : 18.01.2025.
Judgment/Order signed on : 20.01.2025.
Presiding Officer : K.G. Paldewar
Judgment/Order uploaded on : 20.01.2025.