

Sessions Case No.43/2023.
Khandeshwar C.R.No.243/2022
1 The State V/s. Devavrat R.Rawat and 5
Exhibit No. 03

MHRG170003542023



ORDER BELOW EXH. 03
IN SESSIONS CASE NO.43/2023.
KHANDESHWAR C.R.NO.243/2022
THE STATE OF MAHARASHTRA V/S. DEVAVRAT RAJENDRA
RAWAT AND 5
(PASSED ON 16th DAY OF JUNE, 2023)

The applicant/accused – Pravin Sadashiv Ghadge moved this application vide Section 439 of the Code of Criminal Procedure to enlarge him on bail.

2. This application is strongly opposed on behalf of prosecution vide Exh.04.

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 on bail vide Section 439 of the Code	No.

	of Criminal Procedure ?	
II.	What Order ?	The application is Dismissed.

REASONS

4. Perused application, say filed. Heard learned advocate Shri.Mukesh Dongarge for the applicant/accused as well as learned A.P.P. Shri.C.Y.Patil for the State. Heard mother and cousin of deceased.

AS TO POINTS NO. I AND II :

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 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 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 accused/applicant-Pravin Sadashiv Ghadge 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 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 informant and later notice issued to the mother of deceased. The informant appeared since he is father of accused No.1 and he is not the aggrieved person as such, notice issued to the mother of deceased. The mother of deceased appeared with the cousin of deceased. She stays in other State. She 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 was opposing. These accused have plotted crime 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.3 is the present applicant. The accused No.2 was a teacher in a coaching class conducted by present applicant. Earlier accused No.2 and 3 were in illicit relations and at the instance of accused No.2, this present applicant aided to her in commission of crime. The rest

accused No.4, 5 and 6 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 accused No.1, present applicant and accused No.4 to 6. The present applicant runs a coaching class in Mankhurd, Navi Mumbai. The crime took place at Panvel Railway Station.

12. Learned advocate of applicant vehemently argued that the present applicant runs a coaching class except acquaintance with accused No.2 he has no role in the commission of crime. She was working as a teacher at his coaching class, thus at the instance of accused No.2-Nikita, he parted the amount of Rs.65,000/-. The said amount of Rs.65,000/- was due towards him on account of conducting the tuition classes.

13. Per contra, learned A.P.P Shri.C.Y.Patil replied that the involvement of present applicant is not restricted to the extent of parting amount, but he actively participated in commission of crime since the deceased left her house till the place of occurrence of offence. He constantly followed her and was giving entire updates to accused No.2. He was in touch with

her. He parted the amount to the contract killers. There is sufficient evidence against this applicant as to his presence at railway station, his mobile tower location as well as one whatsapp message by this applicant to the accused No.4.

14. The investigating officer submitted that the present applicant was seen in the C.C.Tv footage at Panvel Railway station before and after occurrence of offence. The tower location of the mobile of this applicant was found near to Panvel railway station. There was mobile communication in between this applicant with accused No.2 subsequent to the incident till late night. The whatsapp chat of the mobile conversation is also placed on record.

15. 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.

16. Learned advocate of applicant argued that the mobile and the SIM card mentioned in CDR is not in the name of this

applicant. However, the investigating agency recovered the mobile from the possession of this applicant with the said SIM card standing in the name of accused No.2. When this applicant stays in the area of Mankhurd then, there is no reason for him of his mobile tower location near to Panvel railway station on the day of incident. The area Mankhurd is at a distance of 18 to 20 km. from Panvel railway station.

17. His presence is made out in the C.C.Tv twice installed at Panvel railway station. This applicant on the day of incident was giving inputs to accused No.2 of the movements of deceased since she left her office from Thane and travelling to her home by local train to Panvel. He was constantly following to the deceased. Thus, it enables the involvement of present applicant from his mobile tower location as well as from the CDR.

18. In addition to it, this applicant parted substantial amount to accused No.4 to the tune of Rs.65,000/- at the instance of accused No.2. These transactions were since 12.08.2022 from the account of accused No.3/applicant to the account of accused No.4. On the day of incident on 15.09.2022, it was transfer of amount of Rs.5,000/-. The whatsapp chats in between accused No.2 and 4 is also placed on record to establish this nexus. The presence of this applicant was to point out the location of deceased to accused No.2 in order to provide

information to the contract killers.

19. According to the mother of deceased, earlier it was an attempt to end her as such, she moved complaint to police before 15 days. The deceased was scared as to threat to her life. She has disclosed to her mother. In the light of charge-sheet, it is the accused No.5 who has inflicted the assault by sharp knife for cutting the neck of the deceased. These accused No.4, 5, 6 are the contract killers as per the case of prosecution and they ended to the deceased at the instance of accused No.1 and 2 with the aid of present applicant.

20. In the light of reasons foregoing, there is sufficient and substantial evidence against this applicant relating to his involvement, participation, providing inputs and parting the amount to contract killers. Though the charge-sheet is filed, however looking to the severity of offence and his involvement, he 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 is dismissed.
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2.	A soft copy of this bail order be forwarded to applicant/accused through The 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 : 16.06.2023.

Arguments heard on	06 th Day of May, 2023, 01 st Day of June, 2023 and 13 th Day of June, 2023.
Judgment/order delivered on	16 th Day of June, 2023
Dictated on	16 th Day of June, 2023
Transcribed on	16 th Day of June, 2023
Checked and signed on	16 th Day of June, 2023

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 : P.S.Mhatre
Name of the Court : Additional Sessions
Court, Panvel
Date of Judgment/Order : 16.06.2023.
Judgment/Order signed on : 16.06.2023.
Presiding Officer : K.G. Paldewar
Judgment/Order uploaded on : 16.06.2023.