

IN THE COURT OF ADDI. SESSIONS JUDGE, RATNAGIRI

**(Presided over by A.M.Ambalkar, Addl. Sessions Judge,
Ratnagiri)**

Session Case No. 5/2023

CNR No. MHRT010001352023

The State

Prosecution

Versus

Deepak Dattatray Sansare

Accused

Order Below Exh. 16

(Dictated and delivered in open Court on 07/11/2023)

1. Applicant / Accused Deepak Dattatray Sansare filed this bail application U/Sec. 439 of Cr.P.C. for grant of regular bail in Crime No. 156/2022; for the offences punishable under Sections 302, 394, 201, 195 of the Indian Penal Code registered at Deorukh Police Station.

2. It is prosecution case that the accused who is the son of deceased made missing application in respect of his mother and thereby submitted that on 31.10.2022 his mother was in the house and he left the house at about 9.00 a.m. and thereafter he went at various places for his work and he returned to home at about 1.00 p.m. and he found the doors of his house were locked. He was not having key. Therefore, he took search of his mother at nearby places and at the houses of neighbours and thereafter, at ST stand, Datta Mandir etc. He waited for her and he also made inquiry about his mother at the house of his relatives.

However, he could not find her. Thereafter he went to his house. When he opened the tap in the bathroom then he found red colour water. Therefore, he went over the terrace of house. There he found bed-sheet of his house. He opened the cap of water tank and saw inside the water tank of his house. Then he saw dead body of his mother was in the said water tank. He called the neighbours. Police were called there. Dead body was taken out of the water tank. Injuries on her head were noticed and blood was oozing therefrom. The golden ornaments on her person were found missing. Therefore, he was having suspicion that somebody in order to rob the golden ornaments from her person killed her.

3. During investigation it revealed that because of quarrels between his mother and wife he got fed up and caused injuries to his mother due to which she died and to make show that somebody robbed her golden ornaments were removed from her person and gave false report to the police.

4. The applicant/accused submitted that he is innocent and merely on the basis of conjectures and surmises he is implicated as an accused. He submitted that he is only son and there is no any male person in his family to perform the Varshashradha rituals for his deceased mother on 19.11.2023. He further submitted that he is having two small daughters and festival of Diwali commences from 12th November 2023. So, the accused is released on short term

bail for a period of 15 days i.e. in between 10.11.2023 to 25.11.2023. If accused is released on short term bail he will not jump bail and will not try to tamper with prosecution evidence. He will surrender before Court after completion of period of short term bail. He prayed to allow the application.

5. Ld. APP filed say on this application and strongly resisted the application by submitting that the offence is serious one. The accused has committed murder of his mother. If he is released on short term bail he will pressurize the prosecution witnesses. He will abscond. The reason given for short term bail is not sufficient. Finally, prayed for rejection of application.

6. Heard learned Advocate Shri. P. P. Nene for the applicant and learned APP Smt. V. D. Prabhu for the State at length. Perused the application, say and documents. Ld. Advocate for the accused relied on the case of *Raju Alias Rajkumar Vs. State of Uttarakhand and others, (2018 LawSuit(Utt) 761)*.

7. Ld. Advocate for applicant filed affidavits of both the sisters of accused who are the daughters of deceased as well as he filed the affidavits of husbands of both the sisters of accused.

8. It is submitted by the Ld. Advocate for applicant that the applicant is claiming short term bail only in order to

complete the rituals of Varshashradha which can only be done by son of deceased. The applicant is the only son of deceased. It is further submitted by Ld. Advocate for applicant that the applicant is hereby undertake that he will not meet any of the witnesses of the present case. He will not either induce or pressurize any of the witness. He will not flee away. He is having wife and daughters and family. It is further submitted that in order to assure that he will comply all the conditions imposed he will attend the concerned police station every day during the period of short term bail. He will not commit any such act which may affect the trial of the case.

9. In case of Raju cited supra the applicant was convict and undergoing imprisonment after conviction and in that case Hon'ble High Court granted bail to the applicant to give funeral fire to his parents and to perform last rituals of his parents.

10. Admittedly, previous bail application after filing of charge-sheet came to be rejected on merits. In the present matter, the affidavits of his sisters and brothers-in-law are filed in support of the application. It is submitted by them that the rituals of first death anniversary are only done by the son of deceased. Both the sisters feel that such rituals are if could not be done, then the soul of their mother will not rest in peace. Therefore, the sisters of applicant filed their affidavits in support of the present application.

11. Considering the aforesaid facts and circumstances, I am of opinion that no prejudice would be caused to the prosecution if the present applicant is released on bail for short term for performing the religious rituals as per belief of their family members by imposing stringent conditions to safeguard the apprehension of prosecution. Hence, I proceed to pass the following order.

ORDER

1. Application Exh. 16 is hereby allowed.
2. Applicant/Accused Deepak Dattatray Sansare in Crime No. 156/2022, for the offences under Section 302, 394, 201, 195 of the Indian Penal Code, registered with Deorukh Police Station shall be released on short term bail for the period from 10.11.2023 to 26.11.2023 on furnishing personal bond of Rs. 50,000/- with surety in the like amount.
3. The applicant shall attend the concerned police station daily between 02.00 p.m. to 04.00 p.m. and he shall not meet any of the witnesses and shall not either induce or pressurize any of the witnesses and he shall surrender before the Court on 27.11.2023.
4. Inform the concerned accordingly.

Date :- 07/11/2023.

**(A. M. Ambalkar)
Addl. Sessions Judge, Ratnagiri.**

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

Case Number		Session Case No. 5/2023 order below Exh. 16
Name of Stenographer	:-	Mrs. P. S. Lad
Name of Court	:-	Addl. Sessions Judge,Ratnagiri.
Date of Dictation on computer	:-	07.11.2023
Order signed by the P.O. on	:-	07.11.2023
Order uploaded on	:-	07.11.2023