

IN THE COURT OF ADDL. 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.49

(Dictated and delivered in open Court on 31/08/2024)

1. Applicant / Accused Deepak Dattatray Sansare filed this bail application U/Sec. 482 of The Bharatiya Suraksha Sanhita, 2023 for grant of short timer 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 having serious ailment from last several years and having severe pain to the pelvis with both hip joints. He is detained in magisterial custody for last more than six months and now said ailment has reached to an alarming extent by rendering severe aggravation. Day and night he is facing severe pain,

therefore, he is unable to perform his daily pursuits in jail and some helping hand is immensely required or necessary for him even to do his day to day activities. It is further submitted that facility of 'English Toilet' or 'Commode' is not available at the Special Prison in Ratnagiri and other minimum required accommodation facility to such type of patient is also not available to the Special Prison, Ratnagiri. The Jail Authorities referred him frequently to General Hospital, Ratnagiri for check up and for medical treatment. The doctors from General Hospital, Ratnagiri treated him and after examining him given expert opinion that he shall have to undergo and perform surgery of concerned portion of pelvis and hip joints, such type of severe ailment cannot be cured merely on the basis of medicines as per the advice of expert doctors. Accused/applicant further submitted that I.O. has filed the chargesheet in the present case and he has been detained in jail for almost six months. If accused is released on short term bail he will not jump bail and will not 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. Applicant filed medical papers on record consisting of test reports and sonography reports and medical examination reports and MRI report etc..

7. On perusal of reports, it appears that the applicant accused is suffering from the ailments which are mentioned in the application. The report in respect of medical examination of applicant has been called from Prison Authority. The Prison Authority produced medical papers which reveals the necessity of treatment to accused/applicant by expert. It also appears that because of ailments, the applicant is unable to do day to day activities. Doctor's report shows that because of pain to hip joint, he is unable to walk. Considering the aforesaid medical papers and reports, I am of opinion that humanitarian ground is required to be taken. Further, the record shows that previously for performing religious rituals in respect of deceased mother of applicant, he was released on short term bail wherein the sisters of applicant requested to release the applicant on bail. It is also material to note that there are no allegations of taking undue advantage of short term bail against the applicant. Therefore, considering aforesaid facts and circumstances and urgent need of peculiar treatment

and surgery, the applicant can be said to be entitled to grant of short term bail as prayed for. Hence, I proceed to pass following order.

ORDER

1. Application Exh. 49 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 of three months from the date of release from Jail on furnishing personal bond of Rs. 50,000/- (Rs.Fifty Thousand Only) with surety in the like amount.
3. The applicant 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 expiry of three months period.
4. Inform the concerned accordingly.

Date :- 31/08/2024.

(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. 49
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge,Ratnagiri.
Date of Dictation on computer	:-	31.08.2024
Order signed by the PO. on	:-	31.08.2024
Order uploaded on	:-	31.08.2024