

MHRT010005252022



IN THE COURT OF ADDL. SESSIONS JUDGE, RATNAGIRI

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

Sessions Case NO. 32 OF 2022.

**State of Maharashtra,
Through, Inspector of Police,
Devrukh Police Station,
Crime No. 76/2022.**

Prosecution

Versus

Shri. Suraj Mehabub Chikode & ors.

Accused

Order Below Exh. 54

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

1. Applicant / Accused no.1 – Shri. Suraj Mehabub Chikode and Applicant/accused no.2 Ganesh @ Hampya Rajesh Shivare filed this bail application U/Sec. 439 of Cr.P.C. for grant of regular bail in Crime No. 76/2022; for the offences punishable under Sections 302, 201, 120(B) r.w. 34 of the IPC registered at Devrukh Police Station, Tal. Sangmeshwar, Dist. Ratnagiri.

2. It is prosecution case that the police Head Constable

of Devrukh police station lodged the report alleging that on 05.05.2022 at about 5.30 p.m. or before that due to some unknown reason some unknown person had killed the deceased and with intention to cause disappearance of evidence of that offence, thrown the body of the deceased at a distance of 1 km. From Gaimukh Mandir, towards Ratnagiri. Based on the result of inquiry in A.D. No. 10/2022 and report, C.R.No. 76/2022 came to be registered with Devrukh Police Station. During investigation, it was transpired from missing register No. 27/2022 of Shahapur Police Station that the description of the dead body was matched with the missing person viz. Mahadev Kisan Nigade. Thereafter, the police staff attached to Devrukh police station and staff of local crime branch, Ratnagiri reached at the house occupied by relatives of the missing person, shown them photographs of the dead body and the clothes on his person. Upon seeing the photographs, the relatives of the missing person, identified the deceased and his clothes. During investigation with them, they told that there was financial dispute between the deceased and one present applicant/accused No.1 on account of one tenement. The police, therefore, interrogated the said applicant/accused No.1 and it was transpired that said applicant with the help of Ganesh @ Hampya Rajesh Shivare (accused No.2) and one child in conflict with law viz. Pratik Bapusaheb Koli aged about 17 years hatched conspiracy committed murder of Mahesh Kisan Nigade and thrown his dead body at the above said place with intention to disappear the evidence of murder.

3. The applicants/accused No.1 & 2 submitted that they are too young persons. There is no *prima-facie* case against them. They have not committed any offence. They are innocent. There is no motive against the applicants to commit the offence. The applicants are falsely implicated in this crime and nothing is required to be recovered from the applicants/accused. The accused are permanent resident of Kolhapur. There is no question of tampering of prosecution evidence. The settled principles are that bail is rule and jail is an exception. The applicants will abide by the conditions if released on bail.

4. Investigating Officer filed say vide Exh.55 and strongly resisted the application by submitting that the offence is serious nature. The accused and relatives of deceased is neighbourer of each other. Therefore, if the applicants are released on bail they may pressurize to the relatives of deceased and witnesses. The applicants are permanent resident of Kolhapur so they may abscond. Finally, prayed for rejection of application.

5. Heard learned Advocate Shri. S. V. Bapat for the applicants and learned APP Shri. A. A. Phansekar for the State Perused the application, say and documents. Ld. advocate for applicants/accused No.1 and 2 relied on the following judgments.

1. Indrani Pratim Mukerea Vs. Central Bureau of Investigation & Anr., 2022 ALL MR (Cri) 2282 (S.C.)

6. Learned APP Shri. A. A. Phansekar for the State relied

upon following judgment.

1. Anil Kumar Yadav Vs. State(NCT) of Delhi & Anr., 2018 183 AIC 51

7. Here it is material to note that, in the present matter charge has been framed on 30.11.2022 and the present matter is fixed for production of muddemal. So matter is now ready for trial. The present applicants are in jail since around two years. The previous application has been rejected on merit by considering all the facts and circumstances of the case. The applicants were to show the material and substantive change in the circumstances, which can only be the ground for grant of bail before this Court. The applicants are having remedy to approach before Hon'ble High Court. The matter is in progress. As far as production of muddemal is concerned, the strict instructions have been given to concerned police to produce the muddemal before the Court. Therefore, I am of opinion that the judgment cited by the applicants are not of any help in the present matter and they are not entitled to grant of bail. Hence, I proceed to pass following order.

ORDER

1. Application stands rejected.
2. 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		Sessions Case No. 32/2022
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge, Ratnagiri
Date of Dictation	:-	31.08.2024
Order signed by the P.O. on	:-	31.08.2024
Order uploaded on	:-	02.09.2024