

MHRT010004272024



IN THE COURT OF ADDL. SESSIONS JUDGE, RATNAGIRI

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

Sessions Case NO. 16 OF 2024.

**State of Maharashtra,
Through, Inspector of Police,
Sangmeshwar Police Station,
Crime No. 80/2023.**

Prosecution

Versus

Shital Suresh Padwal & Ors.

Accused

Order Below Exh. 4

(Dictated and delivered in open Court on 05/08/2024)

1. Applicant/Accused no.2 – Manraj Dattaram Chavan filed this bail application U/Sec. 439 of Cr.PC. for grant of regular bail in Crime No. 4/2024; for the offences punishable under Sections 302, 120(B) of the IPC registered at Jaigad Coastal Police Station, Tal. & Dist. Ratnagiri.

2. The Police Patil namely Tanvi Aadav of village

Nandiwade lodge report in police station that she is the Police Patil of village Nandiwade. On 25/01/2024 at about 5:00 pm, villager Suresh Dhondu Padwal (deceased) came to her house and told her that his wife accused no.1 is having illicit relations with accused no.2 and both of them are going to kill him and there is danger to his life. She advised him make complaint to police station. At about 5:30 pm, the accused no.1 Sheetal called her through her mobile and she told to informant that her husband Suresh Padwal consumed liquor daily and abused her and how many days she should tolerate the same and if he returned to house, she and accused no.2 Manraj will kill him. Police Patil advised her to make complaint in police station.

3. On 26/01/2024 at about 6:54 am., accused no.1 called her and informed that her husband is lying in the pool of blood in the courtyard of her house and she tried to call him, but he did not respond and he is not making any movements. She further told that she has washed the blood which was lying beside him. Therefore, she and her husband went at the house of deceased and accused no.1. They saw deceased lying and having sustained grievous injuries and blood was oozing. He was not making any movements. Therefore she called to Jaigad Police Station and informed them. Police reached there and called Medical Officer of Primary Health Center. Dr. Kadam examined him and declared that said Suresh Padwal is dead. Hence, the report that the wife of deceased namely Sheetal and accused no.2 Manraj committed murder of Suresh.

4. Applicant accused no.2 submitted that he has not committed any offence and he is innocent. He has been falsely implicated in the present case. He has no concern with the death of Suresh Padwal. He has been involved in the case only on the basis of suspicion. There is no direct or circumstantial evidence against the applicant. The applicant is behind the bars since around 60 days. Investigation is completed. His family members are depending upon him. He will obey the conditions imposed by the Court.

5. Investigating Officer filed his say at Exh.7 and strongly resisted the application and submitted that offence is serious one. There is sufficient evidence against the present applicant. Both the accused are having illicit relations with each other and there has been strong motive for them to commit murder of deceased. They may pressurize the witnesses if released on bail. Finally, it is prayed to reject the application.

6. Perused the application and say. Heard learned Advocate Shri. Dingankar for the applicant and learned APP Shri. A. A. Phansekar for the State. Ld. Advocate Shri. Dingankar relied upon following case laws.

- (1) State Vs. Shital Suresh Padwal, RCC NO.158/2016 decided by CJM, Ratnagiri dated 19/05/2018.
- (2) Deepak Vijay Dolas Vs. State of Maharashtra, AIROnline 2023 Bom 321.

7. Ld. Advocate Shri. Dingankar invited my attention towards statement of various witnesses and submitted that there is no witness who actually saw the present applicant in the house of deceased and accused no.1 Sheetal. What witnesses say is that they saw the present accused was proceeding towards the house of deceased and accused no.1. I am of opinion that this is not the stage to scrutinize the evidence in detail and minutely. The statement of various witnesses clearly shows that the present applicant and accused no.1 were having motive. Although the present case is based upon circumstantial evidence. The prosecution relied upon the motive behind killing the deceased and there is sufficient material in the present matter. Therefore, I am of opinion that applicant is not entitled to grant of regular bail. Hence, I proceed to pass the following order.

ORDER

1. Application stands rejected.
2. Inform concerned accordingly.

(A. M. Ambalkar)
Additional Sessions Judge, Ratnagiri.

Date:- 05.08.2024

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. 16/2024
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge, Ratnagiri
Date of Dictation	:-	05.08.2024
Order signed by the P.O. on	:-	05.08.2024
Order uploaded on	:-	08.08.2024