

IN THE COURT OF ADDL. SESSIONS JUDGE, RATNAGIRI
(Presided over by A.M.Ambalkar, Addl. Sessions Judge, Ratnagiri)
Session Case No. 32/2022
CNR No. MHRT010005252022

The State

Prosecution

Versus

Suraj Mehaboob Chikode etc. 2

Accused

Order Below Exh. 22
(Dictated and delivered in open Court on 12/07/2023)

1. Applicant / Accused No.1 – Suraj Mehaboob Chikode 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 r.w. 34 and 120B of the IPC registered at Devrukh Police Station.

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 abovesaid place with intention to disappear the evidence of murder.

3. The applicant/accused No.1 submitted that he is too young person. There is no prima-facie case against him. He has not committed any offence. He is innocent. There is no motive against the applicant to commit the offence. The applicant is falsely implicated in this crime and nothing is required to be recovered from the applicant/accused No.1. The accused is permanent resident of Hatkangale, Kolhapur. There is no question of tampering of prosecution evidence.

The settled principles are that bail is rule and jail is an exception. The applicant will abide by the conditions if released on bail.

4. Investigating Officer filed say vide Exh.23 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 applicant is released on bail he may pressurize to the relatives of deceased and witnesses. The applicant is permanent resident of Kolhapur so he may abscond. Finally, prayed for rejection of application.

5. Heard learned Advocate Shri. S. Y. Mane for the applicant and learned APP Shri. A. A. Fansekar for the State Perused the application, say and documents. Ld. advocate for applicant/accused No.1 relied on the following judgments.

1. *Tabrez Khan Raisuddin Khan Vs. State of Maharashtra, (2003 GoJuris(Bombay HC) 510).*
2. *Alankar @ Veer Mohan Rawat & Anr. Vs. State of Maharashtra, (2006 GoJuris (Bombay HC) 365).*
3. *Irfan Shamimulla Shaikh Vs. State of Maharashtra, (2010 GoJuris(Bombay HC) 370).*
4. *Balkrishna Tukaram Angre Vs. State of Maharashtra, (2017 GoJuris (SC) 1766).*
5. *Pradeep Shivaji Shinare Vs. State of Maharashtra, (2012 GoJuris (Bombay HC) 3447).*

6. 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. As far as, the material on record is concerned the statement of witnesses clearly shows that the deceased was seen lastly with all the accused in the car. There is sufficient material to indicate that the accused No.1/applicant was having motive to commit murder of the deceased. The peculiar circumstances in present case are that after finding out dead body investigation was set in motion and the Investigating Officer collected material against the accused. It is also material to note that the application for grant of bail filed by accused No.2 came to be rejected on 19.10.2022. As such the matter is now ready for trial, the offence is serious one, there is enough material against the accused. Therefore, considering aforesaid facts and circumstances the judgments cited by Ld. Advocate for applicant/accused No.1 can not said to be of any help to the applicant/accused No.1 and the applicant/accused No.1 can not be said to be entitled for grant of regular bail.

ORDER

1. Application is hereby rejected.
2. Inform the concerned accordingly.

Date :- 12/07/2023.

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