



SESSION CASE NO. 10/2025

State Vs. Mhaku Ananda Dode

MHSN040001902025

ORDER BELOW Exh. 6

The applicant/accused has filed this application under section 483 of BNSS for grant of bail in Crime No. 197/2024 for the offences punishable under sections 103(1), 64, 62 of BNS registered with Kurlap Police Station.

Case of prosecution :

2. On 08/11/2024, informant Maruti Rajaram Patil lodged complaint to the police station. He alleged that Banabai is adopted mother whereas deceased Indubai is stepmother. His father is dead. Hence, Indubai resides along with his sister at Kurlap. On 07/11/2024, his aunt Ramabai informed him that Indubai is missing from the house. She did not returned to the house after her work. Hence, they search for her. But it was in vain. On 08/11/2024, at about 8.30 am they found the dead body of Indubai. Her hand and mouth was tied. She ascertained the injury on her abdomen. One scythe was laying near her body. Hence, lodged complaint that unknown person has committed the murder of deceased Indubai for unknown reason. Accordingly, police registered the crime against unknown person. During investigation accused came to be arrested.

3. Learned APP R.S. Patil resisted the bail petition by filing his say Exh. 7. He alleged that offence is serious. Accused has committed the sexual assault on deceased and killed her. There is antecedents of the accused. The accused has bad behaviour against the women. If accused released on bail he will pressurize the informant and witness. He will commit such type of crime again. Ultimately, he sought rejection.

4. Heard learned advocate Shri. V. R. Gaikwad for accused and learned APP Shri. R.S. Patil for the State. Learned advocate for accused relied on the following case laws;

- 1) Balkrishna Tularam Angre Vs. State of Maharashtra, 2018 ALL MR (Cri) 898 (S.C.)
- 2) AIR Online 2020 SC 96

5. Perused the documents on record. This is the first bail petition of the accused. Investigation is completed. Chargesheet is filed. On perusal of chargesheet it appears that there is no eye witness to the incident. The case is based on circumstantial evidence. In the case of circumstantial evidence the prosecution ought to have establish motive, last seen theory and behaviour of the accused.

6. In the present case prosecution come with the case that accused has committed sexual assault on deceased. As deceased resisted him hence, he has committed her murder. The accused is of 47 year old. Whereas deceased Indubai was old lady of 65 years. Post mortem report is silent about any sexual assault on deceased. Thus, prima facie the case of prosecution regarding motive is weak.

7. The prosecution wholly relied on the extra judicial confession made by the accused to 3 witnesses. However, it appears that after making extra judicial confession by accused to those witnesses they did not transmitted the said information to police immediately. Their statement was recorded after the accused get arrested. The extra judicial confession is a weak piece of evidence.

8. From the chargesheet it also appears that after the alleged incident of murder the accused had been to the witness for his labour work. He trim the tree of the witness. He did not fled away from the village. Thus, there is no unnatural conduct of the accused after the incident nor he fled away.

9. The police tried to show that since beginning they were suspected the accused. However, the station diary entry shows that till accused get arrested on 13th police were

searching for unknown accused. Therefore, the statement of the police that since beginning they were suspecting the accused appears to be false.

10. As per the prosecution the accused has made extra judicial confession on the same day, the then also those witness did not transfer this information to the police when they came to the village for investigation. Their statement was recorded on 13th when accused was arrested. Thus, it shows the unnatural conduct on the part of those witnesses before whom accused alleged to make the extra judicial confession.

11. There is a weak piece of evidence against the accused. Under such circumstance, I am of the opinion that accused is entitled for the bail. In result, I pass the following order.

ORDER

1. The Bail application is allowed.
2. The applicant accused Mhaku Aananda Dode be released on bail, on furnishing PR and SB of 50,000/- (Rupees Fifty Thousand only) with one or two solvent surety in like amount in connection with Crime No. 197/2024, registered at Kurlap Police Station.

3. The applicant shall not threaten, influence or tamper with the prosecution witnesses and evidence.
4. The applicant shall furnish his address proof and mobile number and address of his two nearest relatives.
5. The applicant shall not commit any offence.

Islampur

Date: 27-05-2025 (Aniruddha Sulbha Subhash Gandhi)
I/c. Addl. Sessions Judge, Islampur.

CERTIFICATE

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

Name of the Stenographer	:	Shri. Pradip T. Patil (Grade-I)
Court Name	:	District Judge-1 & ASJ Islampur.
Date of Judgment/order	:	27/05/2025
Signed by P.O. on	:	27/05/2025
Uploaded on	:	27/05/2025