



SESSION CASE NO. 52/2024
State of Maharashtra Vs. Suresh Tate
MHSN040009382024

ORDER BELOW EXH. 27

The accused No. 1 Suresh Tate has filed this application for grant of bail for the offences punishable under sections 103, (1), 3(5), 61, 238 of B.N.S. and U/s. 3, 25 and 27 of Arms Act.

Case of prosecution -

2. On 16/08/2024, informant Shashikant Mahadev Shid lodged complaint to the police station. He alleged that 10 months ago the crime was registered against his colleague Pandurang Shid for carrying illegal money lending business. On that day, at 7.30 am he had been to his field for milking the cows. At that time Sanjay Shid informed him on phone that Amol Kharade told to him that Pandurang Shid is laying near the Jagannath Shid's Well. Hence, he went to the spot. He found that someone has committed the murder of Pandurang Shid by using the fire arm. Based on his information police has registered the crime against unknown person. During investigation based on information of co-accused applicant/accused was arrested.

3. Learned APP resisted the bail petition by filling his say Exh. 28 inter-alia contended that, offence is serious. Accused has committed the murder of deceased on account of illicit relation of his wife with deceased. He has supplied the fire arm to the co-accused for murder. There is extra judicial confession of accused No. 1 to his wife that he has committed the murder of deceased with the help of two other accused. He has also shown the spot where they conspire to commit the murder. Ultimately, he sought rejection.

4. Heard learned advocate Shri. Kamble for the accused No. 1, and Ld. A.P.P. Shri. R.S. Patil for the State.

5. Learned advocate for accused submitted that now the investigation is completed. Charge sheet is filed. The role of the applicant accused is different than other co-accused. Some co-accused are released on bail. Hence, accused is also entitled for bail on the ground of parity. Furthermore, during the test identification pared witness has not identified the co-accused, hence, for this reason also accused is entitled for bail. In support of his contention he relied on the following case laws;

- 1) Sanjay Chandra Vs. CBI, 2012 (1) B Cr C 214 (SC).
- 2) MaulanaMohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) B.Cr.C. 36 (SC).

- 3) Ajjappa Vs. State of Karnataka, (2017) 4 Air KarR 807
- 4) Nikhil Chandra Mondal Vs. State of West Bengal,
(2023) AIR (SC) 1323
- 5) Jayendra Saraswathi Swamigal Vs. State of Tamilnadu,
(2005) AIR (SC) 716.

6. Perused the documents on record, it appears that prosecution came with the case that accused No. 1 suspected the illicit relationship of his wife with deceased and hence, with the help of accused No. 2 and 3 he has committed the murder of deceased. To fortify this contention the prosecution has relied on the statement of wife of accused. The wife of accused has specifically stated that she know the deceased Pandurang Sidh. He is her cousin. He has save her name in his name by name Nanya. They used to talk on phone. Hence, her husband was suspecting her character. On that account two years ago, he has drove her out of the house. Since then the accused was annoyed with deceased and usually threatened to kill him. Perused her supplementary statement where in he gave confession that he has committed the murder of Pandurang Sidh. Thereby he threatened the witness. From the memorandum statement of accused No. 1 Suresh Tate shown the place where the conspiracy has been made.

7. Thus, prima facie there is sufficient evidence on record to show that accused no. 1 Suresh Tate has committed the murder of deceased Pandurang Sidh with the help of co-accused No. 2 and 3. He is master mind behind the crime. He hire the accused No. 2 and 3 provided them fire arm and execute his plan to cause the death of Pandurang Sidh. The offence is serious punishable with imprisonment for life.

8. The learned advocate for accused sought the bail on the ground of parity. Perused the role played by each accused in the crime. The accused who are released on bail appears to be not a part of criminal conspiracy to commit the murder. Prima facie, it appears that their part is only to provide the fire arm. As mentioned supra, accused no. 1 is a master mind who hire the co-accused. Hence, the role of accused no. 1 is not similar to the accused who are released on bail. Hence, ground of parity is not available to the accused No. 1.

9. Learned advocate for the accused further submitted that during identification pared, witness has not identified to accused No. 2 and 3. Hence, accused no. 1 is entitled for bail. It is pertinent to note that accused no. 1 is not the part of identification pared. It is not the case of the prosecution that accused No. 1 was not present on the spot at the time of committing the murder. Therefore, the outcome of

identification pared is not useful to accused No. 1 Suresh Tate.

10. Perused the case cited by the accused. The facts and circumstance, on the case in hand is totally different with the case cited by the accused. As mentioned supra, prima facie there is sufficient evidence to hold that accused was suspecting the illicit relationship with deceased, committed the murder of deceased. Wife of accused has also fortify the same thing in her statement. Accused has given the confession about causing the murder. The wife of accused is the key witness. There is a every possibility that after releasing on bail, he will pressurize his wife not to depose against him. Offence is serious and the maximum punishment prescribed for the offence is life. Under such aggregating circumstances, I am of the opinion that accused is not entitled for the bail. In result, I pass the following order;

ORDER

1. The application is rejected.

Islampur

Date: 10-02-2025

(Aniruddha Sulbha Subhash Gandhi)

Addl. Sessions Judge, Islampur.

CERTIFICATE

I affirm that, the contents of this PD.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	:	10/02/2025
Signed by P.O. on	:	10/02/2025
Uploaded on	:	10/02/2025