

CNRMHSN040003762025
Session Case No.16/2025

State of Maharashtra- Complainant
Vs.
Sangram Kamalakar Shinde - Accused

ORDER BELOW EXH. 6

1] This is first application for regular under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as B.N.S.S.2023) filed by Applicant/accused in connection with Crime Register No.02/2025 registered by Islampur Police Station for the offences punishable under section 103(1) of Bhartiya Nyaya Sanhita 2023 (Hereinafter referred as B.NS.2023)

2] Perused the application and say given by learned Special Public Prosecutor at Exh. 7.

3] Heard learned advocate V.K. Kharat for the applicant and public prosecutor Shri. R.S. Patil for the State.

4] Advocate Kharat by taking me through the FIR, statements of eye witnesses including real brother and real sister of accused and also taking me through post mortem report and spot panchnama and argued that the allegations in FIR and statements of witnesses recorded by investigating officer during investigation shows that it is not the case of a

murder but case of culpable homicide not amounting to murder, as the material suggest that accused had no intention to kill the deceased. It was not a premeditated attack, the accused has no criminal antecedents and in fact it is not the prosecution case that there was any quarrel or enmity between the accused and the deceased. According to him, the accused and his brother Sharad were quarreling and when deceased Sachin came to intervene, the alleged incident took place and therefore it can not be said that accused had any intention to kill the deceased. The investigation is over, the chargesheet is filed. As there is no criminal antecedents against the accused, there are no chances of repetition of crime. Therefore he prayed for bail submitting that accused is ready to abide any condition if imposed by this court.

5] While opposing the bail application the learned PP submitted that the incident of quarrel took place in two stages, initially at the house of the accused when there was quarrel between the accused and his brother Sharad and thereafter at some distance. Deceased had already pacified the first quarrel but, the quarrel continued and second time when quarrel took place between accused and his brother and when deceased tried to intervene, accused took away a knife from his waist and inflicted a fatal blow on the vital organ causing death of deceased Sachin. The learned public prosecutor did not dispute that there were no criminal

antecedents of accused and that it is the case of single blow, but according to him it is the case of direct evidence and all witnesses are pointing finger to the accused. If it was simple case of quarrel between accused and his brother, then there was no need for him to carry any weapon with him. According to learned public prosecutor it was premeditated attack when second time deceased intervened the quarrel. He prayed for rejection of the application.

6] FIR is filed by the brother of the deceased on the information he received from the eye witnesses. With the help of both the advocates, I have gone through the statements recorded during investigation of Rushikesh Ware, Vishvajit Shinde, Sharad Shinde, and Shekhar Shinde so also Mayuri Shinde. I may note, witness Rushikesh Ware, Vishvajit Shinde, Shekhar Shinde consistently stated about a quarrel in two stages between accused and his brother and twice an attempt by deceased to intervene the same. These three witnesses have consistently stated that accused by asking deceased Sachin not to intervene the quarrel amongst the brothers, had inflicted a fatal blow on the left side of the chest of the deceased. I may note, Sharad Shinde is real brother and Mayuri Shinde is real sister of accused. Though they did not state anything about accused carrying a weapon and he inflicting a fatal blow on the deceased, they both did state about the quarrel between accused and Sharad and

twice an intervention by deceased. Thus, from the material on record i.e. the statements of witnesses at this stage it is clear that the first quarrel between accused and his brother took place at the house of the accused, which was intervened and pacified by deceased Sachin. Then when Sharad and Mayuri were proceeding in one direction accused Sangram again chased them and when Sachin Londhe intervened, the accused inflicted a fatal blow of knife. At this stage, it is too early to comment whether accused had made any premeditated attack. If it was a simple quarrel between two brother there was no need to carry a sharp weapon like the one which is used in present crime. The first incident of quarrel between accused and his brother took place at their house and second at some distance and that time the accused was armed with the weapon. It is not the case where a simple scratch injury is inflicted by threatening the deceased at the point of the weapon, but the post mortem report, the photographs filed on record show that the blow was given on the vital organ. It punctured the heart and it was 4.5 cm. deep injury. That suggest the intensity of the blow and the manner in which the attack took place. Under these circumstances, when there is direct evidence on record against accused, merely a case that it is a single blow or accused had no past criminal history can not termed as mitigating circumstances warranting a view in favour of accused. In the result, I find that accused had committed a

serious offence, there are eye witnesses, the blow given is on the vital part of the body and it is a forceful blow on the chest which caused 4.5 cm. deep injury. It suggest it was murder. Under these circumstances considering the seriousness of the offence, I find no case is made for grant of bail. Hence the following order-

ORDER

1] Bail application filed by accused/applicant Sangram Kamalakar Shinde in connection with Crime Register No.02/2025 registered by Islampur Police Station for the offences punishable under section 103(1) of Bhartiya Nyaya Sanhita 2023 is rejected.

2] Inform the jail authority accordingly.

Date – 04-07-2025.

(Aniruddha Y. Thatte.)
Additional Sessions Judge
Islampur