

MHSN040003042024



ORDER BELOW EXH.16 IN SESSION CASE NO. 23/2024

The State of Maharashtra ... Complainant

-Versus-

Akash Chandrakant Matekar & ors. ... Accused

1] The accused No. 6 Satyajit @ Gotya Laxman Khot has filed this first application for grant of bail under sec. 439 of the Code of Criminal Procedure in C.R.No. 620/2023 of Police Station, Islampur, for the offences punishable under sec. 143,147, 302, 307, 326, 324, 341, 506, 109, 120-B r.w. 149 of the Indian Penal Code and 135 of Maharashtra Police Act. He is arrested on 05/12/2023 and remanded to Police custody till 11/12/2023 and thereafter remanded to Magisterial custody.

2] It is the case of prosecution that informant Viraj Jaykar Patil alongwith his parents and maternal uncle i.e. deceased Shridhar Jaywant Patil is residing jointly at Jadhav Vasti, Islampur, Tal. Walwa Dist. Sangli. There is cattle shed of accused No.6 Satyajit near their Vasti. He is studying in Y.C. College, Islampur. He used to meet with members in the gang of co-accused Akash Matekar. He used to stare informant

and his friend Gururaj Jangam with enmity. So there was altercation between them since 3-4 months. Prior to 4-5 days of incident, informant and Gururaj were standing on the road in front of Y.C. College, Islampur. At that time accused No.6 stated him why he used to stare him with enmity and he would show him.

3] On 03/12/2023 at about 7.00 p.m. informant went to the house of his uncle Amol Pawar for dinner. After taking dinner at about 9.00 p.m. he alongwith his friend Om Jadhav, Rohit Yadav went in Urus at Urun Islampur. After wandering in the Urus at about 11.30 p.m. they returned to their house. Thereafter, informant alongwith deceased Shridhar was proceeding on motor cycle towards their house. Informant was driving the motor cycle. When they reached near the shed of Ganesh Jadhav from Mehfil Hotel to Mulik Panand road, accused No.6 and co-accused suddenly came in front of their motor cycle. One of them assaulted on the head of Shridhar by means of stick. Due to which they fell down from the motor cycle. Co-accused Ashish Matekar has assaulted him by means of iron rod and Akash Matekar has assaulted him by means of stick on his head, legs and hands. At that time accused No.6, co-accused Pritam Kamble, Akshay Chavan, Satyajit Suryawanshi have assaulted informant and his maternal uncle Shridhar by means of wooden sticks. Due to which they have sustained grievous injuries. Co-accused Avinash Matekar

instigating them to assault the informant and deceased. Thereafter informant and Shridhar were taken to Sahyadri Hospital, Karad for treatment by Ashish Jadhav and Vaibhav Bongale. During treatment Shridhar succumbed to the injuries. Thus, accused No.6 and co-accused have assaulted them and attempted to commit the murder of informant and committed murder of deceased Shridhar. Therefore informant lodged the report.

4] The learned Advocate for accused No.6 has submitted that he is falsely implicated in this crime. Chargesheet is filed in the Court. Accused No.6 is not acquainted with co-accused prior to the incident. At the spot of incident shown in police papers there is no electric poles. So the identification of present accused is doubtful. Nothing is to be recovered at the hands of present accused. Therefore there is no necessity of custodial interrogation of the present accused. Accused No.6 is taking education in XII standard at Y.C. College, Islampur. He has missed his XII examination. Therefore opportunity may be given to present accused for further education. He is permanent resident of Islampur, Dist Sangli. There is no criminal antecedents against him. He is law abiding person. He is not likely to flee from justice, if released on bail. So he is entitled to be released on bail. Therefore, accused No.6 prayed for grant of bail.

5] The learned APP resisted application by filing say (Exh.17) stating therein that alleged offence is of serious nature. Due to earlier dispute between informant and accused No.6 the conspiracy of present crime has been made and thereby alleged incident of murder of deceased and attempt to commit murder of informant has taken place. Specific role is attributed to accused No.6 in the commission of offence. Accused No.6 has produced clothes on his person at the time of incident under Memorandum and Seizure panchnama. Accused No.6, informant and witnesses are resident of same town. Therefore possibility of commission of offence of similar nature can not be ruled out. There is strong prima facie evidence against him. There is possibility of tampering evidence by accused No.6, if released on bail. Hence learned APP prayed that application may be rejected.

6] Heard Learned Advocate for accused No.6, Learned A.P.P. for State. Perused the record.

7] On perusal of the documents on record it reveals that the alleged offence is against human body and of serious nature. It appears from the record that due to earlier dispute between informant and accused No.6 the alleged incident has taken place. It appears from the Medical Certificate that informant has sustained grievous injuries. It prima facie appears that there is involvement of accused No.6 in the

alleged offence. Specific role is attributed to accused No.6 in the commission of crime. There is prima facie material to show the complicity of present accused in the crime. Moreover, possibility of commission of similar type of offence by present accused cannot be ruled out. There is every possibility of absconding of accused No.6, if released on bail and presence of accused No.6 will not be readily available for trial. Admittedly, at the stage of bail, merit and demerits of the case, cannot be considered.

8] Considering the nature of offence alleged against him, it appears that he is likely to abuse discretion granted in his favour by committing the offences of similar nature. It appears from record that there is material to show that accused No.6 will use his liberty to subvert justice and tamper with the evidence. There is likelihood of the witnesses being tampered with or terrorized, if accused No.6 will be released on bail. In the circumstances of the case, in my opinion, considering the above reasons, this is not a fit case to release accused No.6 on bail. Therefore, he is not entitled for bail. Hence, following order is passed.

ORDER

Application is hereby rejected.

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(Rajshri P.Pardeshi)

Date:10/05/2024.

Additional Sessions Judge, Islampur