

(CNR No:MHSN040006032025)
Order passed below Exh.19 in Sessions Case No.23/2025
(The State of Maharashtra Vs. Arvind @ Raghu Subhash Satam, etc.)

This is an application filed by the accused no.1 Arvind @ Raghu Subhash Satam for grant of bail under Section 483 of the B.N.S.S. in C.R. No.205/2025 of Islampur police station for the offences punishable under Section 103(1), 3(5) of the B.N.S. The say of I.O. and learned APP has been called and the same has been filed by them below Exh.20.

2. Perused the application and say. Advocate for accused neither appeared nor argued the application. The accused also not advanced any argument. Hence application is decided on merit after giving reasonable time of hearing to both parties.

3. In short, it is the case of the prosecution that, the informant Ganesh Ramchandra Kerlekar lodged report to police station Islampur alleging therein about the murder of his cousin Sourabh Rajendra Kerlekar. It is alleged that accused no.1 Arvind @ Raghu Subhash Satham had rival terms with deceased on the ground of his alleged illicit relations with wife of accused. The quarrel was going on since last two months, alleged incident occurred on dated 23.04.2025. He came to know about murder of Sourabh Karlekar from Dattatray Khot. The incident has been witnessed by the waiter of Ashok Dhaba namely Tushar Vasant Deshmukh and it has come on record that he himself and Sushant Nalawade heard the sound of shouting and screaming at 2.30 a.m. When they came out of Dhaba they saw that accused who was the waiter working in said Dhaba with co-accused Kiran Satpute, i.e. present applicant were assaulting the deceased. Accused Arvind Satham has inflicted blows of baseball stick and the present applicant/ accused caught hold his hands, so that he should not resisted. The deceased

succumbed to said injuries. Hence the informant lodged report of this incident to police station Islampur.

4. Learned advocate for accused no.1 argued bail application and submitted that accused no.1 is innocent. The motive behind fatal attack is not established against accused no.1. As per the post-mortem report, the injuries sustained by deceased could be possible by accident also. The eye witnesses are chance witnesses and as per their statements under Section 183(1) of B.N.S.S., they have no knowledge about the incident. There is no evidence to show that there was no any animosity between accused and deceased. Nothing incriminating has been recovered from the possession of accused. Accused no.2 is already released on bail. No investigation requiring custody of accused remains as charge-sheet is already filed. Accused is ready to co-operate during trial. There is no possibility of abscondance or tampering. Hence it is prayed that accused may be released on bail.

5. Learned APP has opposed the bail application on the ground that, offence is of serious nature. There is every possibility of threatening of prosecution witnesses and tempering with the prosecution evidence. Accused no.1 and 2 used motorcycle for the purpose of running away from the spot. The present accused has held hands of deceased at the time of attack by accused no.1. His role in offence is properly disclosed in the charge-sheet. The accused will abscond, if released on bail. Hence, the accused is not entitled to be released on bail.

6. It is pertinent to note that, in the present matter charge-sheet is already filed on 19/07/2025. This is the first application of accused for grant of regular bail. The offence is of serious nature against human body. On perusal of charge-sheet it reveals that investigation is complete and it is well founded. Prima-facie the

statements of witnesses shows motive and intention behind commission of offence. The charge is already framed on dated 30/09/2025 and the matter is ready for trial. Therefore, there is no question of any delay in the proceeding though the accused is under trial. Expeditious trial is the right of accused and the same will be taken care of by prosecution and Court. The precaution to that effect can be very well taken by the prosecution side. Since the trial is about to commence soon, the possibility of abscondance of accused to avoid the trial cannot be over ruled. The accused may try to flee from justice. There is no description of permanent nature of work of accused. In said circumstances, if the accused goes absconding, the trial can be prolonged and the same will never be in the interest of justice.

7. On the point of no incriminating material against accused in the statement under Section 183 of B.N.S.S. is concerned, I have perused the available record as well as documents produced along with charge-sheet submitted in this crime. Inter-alia to this I have gone through the statements of alleged eye witnesses namely Tushar Vasant Deshmukh and Sushant Tanaji Nalawade recorded by learned Magistrate under Section 183 of B.N.S.S. as well as their statements recorded by police under Section 180 of B.N.S.S. It transpires that said statements under Section 183 of B.N.S.S. contradicts with their earlier statements. They did not disclose names of assailants in said statement. The contents of statement under Section 183 of B.N.S.S. can be considered while deciding the bail application though it is not substantive evidence itself. The primary purpose of Section 183 of B.N.S.S. is to serve as record to deter the witness from changing his story and to corroborate or contradict his eventual testimony in Court. Such statement can be relied upon to evaluate the strength of prosecution case, and the credibility of witnesses thereby influencing the decision of bail.

8. It transpires that above named two witnesses are the backbone of prosecution case. There is material inconsistency in their statements recorded by police and learned Magistrate. The strength of said evidence is the key factor to be considered while determining the issue of release of accused on bail. It is also visible that accused no.2 is already released on bail on the ground that his role in commission of offence is limited to extend help to accused no.1 to give effect to the intention of causing death of deceased and on the other ground that the statement of witnesses under Section 183 B.N.S.S. are not supporting the case of prosecution. However, the incriminating material available against accused no.1 is different than the material available against accused no.2. The role of both accused in commission of offence is different. Accused no.1 is the prime offender and prosecution has strongly putforth the material to show the motive behind commission of offence. Therefore it is not just to rely upon Section 183 B.N.S.S. statement by overlooking the other incriminating material on record against accused no.1.

9. It is well evident from record that offence is of serious nature. There is previous enmity in between deceased and accused no.1. The possibility of tampering the prosecution witnesses cannot be overruled.

10. Therefore, considering the serious nature of offence and well founded contents of charge-sheet as well as safety and security of witnesses, I am not inclined to release the accused no.1 on bail during trial.

11. Hence, following order is passed.

ORDER

Application is hereby rejected.

Date: 17/12/2025.

(A. H. Kashikar)
Additional 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 : S.W.Pathan, Steno, (Grade-I)
Court Name : Adhoc District Judge – 1 & Addl.
Sessions Judge, Islampur.
Date : 17/12/2025
Signed by P.O. on : 24/12/2025
Uploaded on : 24/12/2025