



(CNR-MHSN04000229382024)

ORDER BELOW EXH. 97 IN SESSIONS CASE NO.52 OF 2024

[State of Maharashtra Vs. Suresh Narayan Tate Etc.]

1. The accused No.3 Shivaji Bhimrao Bhusale has filed this bail application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as “B.N.S.S.”) for grant of bail in connection with C.R. No. 149 registered with Kasegaon police station for the offences punishable under Sections 103, (1), 3(5), 61(2), 238 of Bhartiya Nyaya Sanhita, 2023 (‘B.N.S.’) and under Sections 3, 25 and 27 of Arms Act.

2. It is submission of applicant Advocate that all co-accused are released on bail. Some of co-accused are released by this Court and some of by Hon’ble High Court. The case is based on circumstantial evidence. Hence, prayed to release the present applicant on the ground of parity.

3. On the contrary, it is submission of APP that serious nature of offence is committed by the applicant along with co-accused. The present applicant shoot the firearm and caused death of deceased. The Firearm is recovered at the

instance of present applicant. The FSL report also supported with the prosecution case. The death of deceased occurred from the firearm seized from applicant and therefore the ground of parity is not application to the present applicant. Hence, he prayed to reject the application.

4. As per prosecution case, on 16/08/2024, informant Shashikant Mahadev Shid 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.

5. During investigation it was revealed that accused no. 1 hatched conspiracy with the help of co-accused. Accused no. 1 gave contract of killing of deceased to accused no. 2 and 3 i.e. present applicant, as he was suspecting that deceased was having illicit relations with his wife. Therefore, on the say of accused no. 1, present applicant/accused and accused no.2 committed murder of the deceased by fire arm. Accused No.4 and 5 had supplied firearm.

6. I have gone through the submission of applicant

Advocate and panchnama dated 19.08.2024, 16.08.2024 and CCTV footage inspection panchnama dated 30.08.2024. The present applicant/accused and accused no.2 seen in CCTV footage at the relevant time proceeding towards village wherein the spot of incident is situated and returning. The applicant also seen in other CCTV footage of Islampur area at the relevant time. The Investigating Officer recovered the firearm/pistol at the instance of present applicant i.e. accused No.3. The FSL report shows that the bullet found in the body of deceased is fired from the firearm/pistol, which was seized from the present applicant. The allegation against co-accused and present applicant are different. Considering there is material on record that, the firearm /pistol used for committing crime is recovered at the instance of present applicant. The FSL report also support with the same. The present applicant shoot the firearm to deceased. Therefore, with due respect to the order passed by Hon'ble High Court, the ground of parity is not applicable to the present applicant. Hence, the applicant is not entitled to be released on bail. Hence, I pass the following order.

ORDER

(1). The application is rejected.

Islampur

Date: 25-06-2026

(D. H. Keluskar)

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. J. S. Bobade (Grade-I)
Court Name	:	District Judge-1 & ASJ Islampur.
Date of Judgment/order	:	25.06.2026
Signed by P.O. on	:	25.06.2026
Uploaded on	:	25.06.2026