

ORDER BELOW EXH. 5 IN SESSIONS CASE NO.12/2026

State Vs. Ronak @ Rajat Suraj Rajput

CNR No. MHSN170001202026

This is first bail application filed on behalf of accused no. 2 Ronak @ Rajat Suraj Rajput.

2. The informant lodged FIR against accused persons in the police station, Vita on 10.02.2026. According to the prosecution, on 22.11.2025 at 8:10 p.m. on the count of illicit relations of deceased Sai with sister of accused No.1 Amir and demanding borrowed money, accused Nos.1 and 2 as well as juvenile in conflict with law were with criminal conspiracy came on Suzuki Access 125 scooter bearing no.MH10-BH-0481 and stopped near house of the deceased on Vita to Salshinge road. When deceased came out of his house and proceeding on his scooter bearing No.MH-10-DO-5520, they chased on a scooter and gave dash to scooter of deceased, due to which deceased fell down. Accused Nos.1 and 2 stabbed on head of deceased with sickle and committed murder. Accordingly complaint came to be lodged to police station, Vita.

3. It is contended, there is inordinate delay in lodging FIR. Eye witness neither informed to police nor lodged complaint immediately, this fact shows that, accused persons are involved falsely in the crime. It is contended, family of deceased and family of Afsana Mulla were knowing each other, so the informant was knowing to accused No.1 who is brother of Afsana Mulla. The

informant has not mentioned exact borrowed amount by Afsana. There was financial transactions between deceased and Afsana. Afsana Mulla has stated in her statement that deceased used to threatened and blackmailing her by saying he will circulate their photographs and videos, if she does not pay money. The informant claims to be an eye witness, but she was not knowing two other persons who were allegedly assault to her husband and she has not given description of those two unknown persons in F.I.R. or in supplementary statement. From her statement it seems, she has not attributed any role of the applicant of assaulting or causing injuries to deceased by means of any sharp edge weapon. From the statement of Amol Shinde, it seems much time has been lapsed between the incident and arrival of informant on the spot so she was not the eye witness to the incident. Witness Kiran Torgale has not specifically stated how may persons were assaulting to deceased and has not disclosed informant was present on spot. Witness Amol Pandkar has also not stated presence of informant and Kiran Torgale on the spot. I.O. has not conducted T.I. parade. It is nowhere revealed that applicant and co-accused were hatching criminal conspiracy as there was no audio recording of their conversation. Mere sitting together in hotel is not sufficient to draw inference of hatching criminal conspiracy. The weapon is seized from open place which is accessible to public at large. Weapon scythe was recovered at the instance of present applicant under panchanama. Cloths of the applicant were seized. The applicant is permanent resident in the address mentioned in the application. He is ready to furnish sufficient surety and he will not hamper and tamper prosecution witness.

4. The Investigating Officer has filed say below Exh. 9 stating that, present accused stabbed with sickle to the deceased and said sickle seized from him under the Memorandum. Said sickle was having blood stains so it was sent for C.A. Present accused assaulted on the head of the deceased and all accused hatched criminal conspiracy by sitting in the Vijayshree Bar. There are eye witnesses to the incident. If the application is allowed he will hamper and tamper prosecution witness. The informant resides with her mother-in-law and two years daughter. If the accused released on bail, it will cause danger to the life of the informant and her family member. Hence it is prayed application be rejected.

5. I have heard both sides at length. Learned advocate Shri. G. D. Tapkire for accused No. 2 has argued at the line of each and every contents in the application. On the other side, learned APP Shri. M.B. Kulkarni has submitted as per say of the Investigating Officer. The learned advocate has submitted that statements of witnesses are not consistent to each other and there is no motive of the applicant to commit murder of the deceased.

6. A perusal of investigation papers filed with charge-sheet, it seems, eye witness of the incident who is stating about the assault with the hands of accused no. 2 and co-accused by sickle on the deceased Sai. It appears from statements of the informant and witnesses that accused No.2 was present on the spot of incident and he stabbed with sickle on the head of the deceased. In the P .M. report the doctor has given opinion of the cause of death, “neurohaemarthogic shock due to fracture of occipital bone of skull

due to heavy and sharp object”. There are total 31 injuries caused to the deceased and injury Nos. 1 ,2, 3, 4, 5 caused with sharp object while other injuries caused due to hard object. The accused persons stabbed with sickle on the head of deceased Sai which is vital part of body. It also seems from the FIR and statements of prosecution witnesses, accused No. 2 was present at the spot of incident. It is the matter of evidence to see why eye witness has not stated incident to police immediately after occurrence of the incident and about the inconsistency in the statements of the witnesses.

7. The offences levelled against accused no. 2 are serious in nature. Accused no.2 and co-accused by hatching criminal conspiracy committed such serious offence by assaulting deceased Sai with dangerous weapon. There is evidence on record which prima-facie shows, the investigating officer seized sickle at the instances of accused Ronak @ Rajat Suraj Rajput and accused No.1 Amir Nazir Foujdar. There is seizure panchnama under section 27 of the Indian Evidence Act, 1844, said weapon i.e. sickle allegedly used in the crime. It appears, there is direct evidence against accused no. 2 on record. The offences are serious in nature and there is every possibility that, accused no. 2 will hamper or tamper prosecution witnesses if released on regular bail. The informant is residing with her mother-in-law and 2 years daughter, if accused released on bail, it will cause danger to life of the informant and her family members.

8. In view of all above facts and circumstances and nature of gravity of accusation, the above mentioned reasons, I do not

accept submission of learned advocate for accused no. 2 and accept submission of learned APP. Accordingly, I pass following order -

ORDER

Bail application of accused No. 2 **Ronak @ Rajat Suraj Rajput** is rejected.

Date : 22/05/2026.

(U. V. Indapure)
Addl. Sessions Judge,
Vita.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word, as per the original order.

1. Name of the Stenographer :- Shri. S. K. Patil
Steno Grade-I.
2. Court Name :- Court of Adhoc Addl.
Sessions Judge, Vita
3. Date of Order :- 22/05/2026
4. Signed by the Presiding Officer. :- 22/05/2026
5. Order uploaded on :- 22/05/2026