

Sessions Case No. 522/2024
(State of Mah. Vs. Gurappa S. Elurotti)

Order below Exh.9.

This application is filed on behalf of accused for regular bail u/s.483 of Bhartiya Nagari Suraksha Sanhita 2023 registered in the Vita police station at C.R. No.279/2024 for the offence punishable u/s.103(1)of Bhartiya Nayaya Sanhita

2. Brief facts of the case are as under -

The informant P.C. Mahesh Sankpal lodged complaint alleging that on 03.07.2024 at 10.00 p.m., when he was on duty, a call received to him from police head constable Kharmate informing that there was quarrel between husband wife at Khanapur Naka, so to go to that spot. Accordingly, the informant, ASI Yelekar, PSI Mahajan went to house situated near rest-house at Khanapur naka by Govt. vehicle. A person was standing near the house and he told, due to quarrel with his wife he assaulted her with spade. He showed said spot. Thereafter all police officers inspected said spot and they saw a woman in an unconscious position and a child was on her thigh. Blood was oozing from her head injury. The police staff started recording video of the situation in their mobile phones. They asked name to the person standing near the house. That person gave information that his name is Gurappa Shankarappa Ellurotti, R/o.Khanapur Naka. The quarrel between the couple was on the count of rented house of Mulla Galli. Thereafter, the police took

injured to civil hospital, Vita, but Doctor declared her as dead. Accordingly, complaint came to be lodged to police station, Vita.

3. According to the applicant/accused, he is innocent and falsely implicated in the crime. There is neither direct evidence nor circumstantial evidence available on record against the accused. The accused is arrested on suspicion. There is inordinate delay to lodge FIR. The antecedents of applicant are clear. The accused is ready to obey the condition imposed by the court, if released on bail. The alleged witnesses are police witnesses, so question of tampering them does not arise. Hence this application.

4. Investigating officer has filed say at Exh.11 and prayed to reject the application stating that offence is serious in nature relating to body. If the accused is released on bail, he will hamper and pressurize the prosecution witnesses. The baby girl of deceased is in a Children's Home and if the accused is released on bail it will cause dangerous to the life of baby girl. The accused is originally resident of Karnataka state, so he will not remain present in the Court at the time of evidence. If the accused is released on bail, possibility cannot be ruled out about the commission of serious offences.

5. Learned Advocate Shri.R.M. Mane for the accused has submitted the accused is involved in false crime. There is no direct evidence against the accused and the case of prosecution is

based on extra judicial confession of the accused which is a weak piece of evidence. If the accused confessed act done by him then his name would have mentioned in inquest panchanama or in PM report, but there is no record about it. Blood was not found on clothes of the accused. The witnesses are police personnel therefore, question of tampering witnesses does not arise. There is nothing against the accused on record to keep him behind the bar. It is prayed accused be enlarged on regular bail.

6. On the other side learned APP Smt. Murchite has submitted that accused is husband of deceased. At the time of incident accused was present on the spot. Deceased sustained head injury and the weapon found on the spot. Extra judicial confession is one of the corroborative piece of evidence. There are witnesses who have supported to the case of prosecution. The case is based on circumstantial evidence. Therefore, application be rejected.

7. I have gone through record and submission of both sides. Prima-facie, it appears from the FIR, accused was present on the spot. The police personnel recorded video of the spot in their mobile phone, immediately after they reached on the spot. There is witness who is stating about the quarrel between accused and deceased. Deceased died due to head injury means the person assaulted her on vital part of her body. The incident occurred within the four corner of the house, therefore, the prosecution case is based on circumstantial evidence. Extra

judicial confession of accused is an evidence can be considered at the time of trial. At this stage, it cannot be stated that the confession of accused is weak piece of evidence. Further, record shows the accused is permanently resident at Yadhalli, Tal. Shorapur, Dist.Yadgir, State Karnataka, therefore, there are chances that he will not remain present at the time of trial. The charge of accused is framed.

8. Learned advocate for the accused has placed reliance on following judgments -

1) **Santosh Dhondiba Bawdhane Vs. The State of Maharashtra reported in Bail Application No. 152/2020 decided on 20.02.2020.**

2) **Balasaheb @ Balaji Bhausahab Sapate Vs. The State of Maharashtra reported in Bail Application No.1310/2019 dtd.10.01.2020.**

9. I have gone through the aforesaid judgments of Hon'ble High Courts. The facts of these judgments are different that the facts of present matter. In the present matter, it is not the case of prosecution that the deceased charged at the accused and the deceased had illicit relation with another person. Hence with due respect I state these judgment are not applicable to decide present application.

10. The accused has committed serious offence. The police have prepared memorandum panchanama and seized weapon at

the instance of accused. Charge of the accused is framed. If the accused is released on bail, he will flee from justice and it will also cause danger to the life of his daughter. Considering nature of offence and aforesaid facts, the accused is not entitled to enlarge on bail. Hence I pass following order -

ORDER

- 1 Application Exh. 9 is hereby rejected.
2. Application is decided and disposed off accordingly.

(Dictated and pronounced in open court)

Vita
dt.18.08.2025

(Usha V. Indapure)
Additional Sessions Judge,
Vita.

CERTIFICATE

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

Name of Stenographer	: A. B. Kamble (Steno Grade-I)
Court	: Addl. Sessions Judge, Vita
Date of order	: 18.08.2025
Signed by Presiding officer on	: 18.08.2025
Uploaded on	: 19.08.2025