

MHSO050015462024



IN THE COURT OF SPECIAL JUDGE (ATROCITY), PANDHARPUR

Special Case (Atro) No.36/2024

Order Below Exh.27

State of Maharashtra ... Complainant

Vs.

Rishiraj Shirtode etc. ... Accused

Appearance

Mr. S. V. Wangikar, Ld. APP for the Respondent / State

Mr. R. D. Pore Ld. Advocate for the accused No.3

(ORAL ORDER)

(Dictated and pronounced in the open Court)

This is an application filed by the applicant / accused No.3 for grant of regular bail under Sec.483 of BNSS for releasing him on regular bail in connection with CR No.533/2024 registered with Sangola police station for the offence punishable under Sec.103(1), 351(2), 351(3), 3(5) of BNSS and Sec.3(2)(v), 3(1)(r), 3(1)(s) of SC and ST (PoA) Act, and Sec.135 of M.P Act.

2 The applicant / accused submitted that he is innocent and has not committed crime. The applicant was not present on the spot. The investigation is completed. The charge-sheet is filed. Nothing is to recovered from him. He is permanent resident of village Mahud. He will not tamper with the prosecution witnesses. He is ready to abide all the terms and conditions imposed by the Court. Hence, he prayed for grant of bail in connection with CR No.533/2024 registered with Sangola police station.

3 The learned APP filed his at Exh.28 and resisted the application on the ground that the offence is serious in nature. The offence is punishable with imprisonment for life or death. The accused No.1, 3, 4 were arrested. There are sufficient evidence against him hence, charge-sheet is filed against the accused. The applicant / accused assaulted to deceased Sunil by iron sickle on the head, chest, neck and stomach and caused injury and committed his murder. The accused Rishikesh Shirtode gave voluntary statement and on the basis of his voluntary statement, weapon i.e. sickle were seized. There is involvement of the applicant / accused in the present crime. Lastly, learned APP prayed for rejection of bail application.

4 The I.O. submitted say at Exh.29 and resisted the application on the ground that the offence is serious in nature.

5 The informant also filed her say at Exh.30 and resisted the application on the ground that the present applicant / accused through his family members and friends were giving threat to kill her. There is possibility of repeation of crime if the accused is released on bail. There is danger to her life if the accused is granted bail. Hence, she prayed for rejection of bail.

6 Heard learned advocate Shri. Pore for accused No.3 and learned APP Shri. Wangikar for the State.

7 It is argued by the learned advocate for the applicant / accused No.3 that the applicant is falsely implicated in this case. The applicant is behind bar since last one year. He also submitted that the co-accused namely Yogesh Madhukar Kate was also granted bail by Hon'ble Bombay High Court, hence on the ground of parity he claimed bail. He submitted that the charge-sheet has been filed against the applicant / accused and hence, the applicant be enlarged on bail.

8 Learned APP submitted that the present applicant / accused and co-accused made conspiracy to commit murder of deceased. The present

applicant / accused assaulted to the deceased and he was present at the spot. He submitted that if the accused is released on bail then, he will threaten to witness. Hence, he prayed for rejection of bail.

9 Perused the contents of application and say filed by the learned APP and I.O. and informant. By filing this application, the applicant /accused prayed for grant of regular bail. Learned APP and I.O. have objected this application.

10 I have gone through the F.I.R. In F.I.R. the name of the applicant / accused is mentioned as accused No.3. There are allegations against the applicant / accused in F.I.R. that he along with co-accused assaulted to the deceased by means of sharp weapon on the vital part of the body and committed his murder. During the course of investigation, the I.O. recorded statements of eye witnesses namely Smt.Manisha Kamble, Chaitanya Kamble, Avinash Kamble, Tushar, Randive, Prashant Randive. Witness namely Anach Halsana and Sachin Jadhav in their statements have disclosed in respect of dispute arose in between present applicant / accused and deceased prior to this incident. The I.O. also recorded memorandum statements of accused Rishikesh and in his memorandum statement he has stated that he along with present applicant / accused went on motorcycle at Sathe Nagar, Mahud and they committed murder of deceased. Thus, in the form of charge-sheet there is sufficient evidence on record to show that the involvement of applicant / accused in the said crime. He cannot be enlarged on bail.

11 The alleged offence is serious in nature. The offence under Sec.103(1) of B.N.S. is punishable with death or life imprisonment. If bail is granted to the applicant / accused in such type of serious offence, then wrong message will spread in the society, therefore, bail cannot be granted to the applicant / accused.

12 Considering the nature of the offence and role played by the applicant / accused No.3 in said crime. I am of the view that the applicant / accused is not entitled for grant of bail. Therefore, the application is liable to be rejected. Hence, I proceed to pass following order.

ORDER

- 1 Bail Application filed by the applicant / accused No.3 Anil @ Sonya Yashwant Chavan below Exh.27 is hereby rejected.
- 2 Bail Application Exh.27 is disposed off accordingly.

Date : 12.09.2025

(A. S. Salgar)
Special Judge (Atrocity), Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- a) Name of the Stenographer : S. A. B. Shaikh, Steno Grade - I
- b) Court : Add. Sessions Judge, Pandharpur
- c) Date of Order : 12.09.2025
- d) Order signed by the : 12.09.2025
Presiding Officer on
- e) Order uploaded on : 17.09.2025