

MHST01-001496-2024



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA
Sessions Case No.68 of 2024

State of Maharashtra

...Complainant

Vs.

Aaditya Namdeo Pawar

...Applicant

Mr.S.H. Panhale, Advocate for the applicant.

Mr. N.D. Muke, A.P.P. for the State.

Coram: Mr. S. R. Tamboli,
The Addl. Sessions Judge, Satara,

:: ORDER BELOW EXH.3 ::

In the instant application, applicant prayed for bail as per section 483 of the B.N.S.S.

02. In short, the case of the prosecution is that Ravindra Pawar, the informant is maternal uncle of deceased Rohidas Maruti Panhalkar who was resident of Karanjoshi, Tal.Patan. On 17.06.2024, informant lodged F.I.R. alleging that on 16.06.2024, he made phone call to his sister Chandrabhaga. Over the said phone call, his sister disclosed him that at about 5:00 p.m. Rohidas made phone call to her and informed her that, he reached at Nagthane to meet his friends and thereafter, his phone switched off. The informant attempted to contact on the mobile of deceased,

but it was switched off. In that night around 10:30 p.m., one Ganesh Panhalkar made phone call to informant and disclosed that, he received phone call of accused Rohit Pawar who informed that, deceased Rohidas was lying on road at Nagthane, somebody assaulted him and he was taken to Civil Hospital, Satara, but he is died. Ganesh Panhalkar went to Civil Hospital, Satara. He found that Rohidas was lying dead in the General Ward of the hospital. There were multiple injuries on his person. The informant lodged the FIR with police on 17.06.2024 against unknown persons. Further, on 18.06.2024 informant gave supplementary statement and disclosed about quarrel which had taken place between Rohidas and accused Vedant Panhalkar, Omkar Panhalkar, Nikhil Panhalkar, Rohit Pawar, Aaditya Pawar, Sahil Pimpale, Tejas Panhalkar, Kumar Panhalkar and Devendra Ghadge on the ground that Rohidas had affair with Tanaya Panhalkar, the sister of Vedant. Said incident occurred in April 2024. Krushna Vishnu Panhalkar stated that on 16.06.2024 at about 5.30 p.m., he was proceeding to Thoseghar. At that time, Rohidas got down from the bus. He talked with him. At that time, above mentioned accused were there. Rohidas went along with them towards high hills beyond the temple of Lord 'Ganesh'.

03. In the backdrop of these facts, Mr.S.H. Panhale, the Ld. Counsel for the applicant submitted that the F.I.R. is filed against unknown person. Krushna Panhalkar is the uncle of deceased Rohidas. His statement is recorded on 18.06.2024. He didn't disclose immediately that Rohidas was in the company of applicant and co-accused. After the death of Rohidas, the F.I.R. filed on 17.06.2024 while his statement is recorded on 18.06.2024. The

delay in recording of statement is not explained. The earlier quarrel of applicant and co-accused along with Rohidas in relation to Tanaya was settled prior to one and half month of the incident. There was no motive on the part of applicant to commit the murder of Rohidas. The C.D.R. doesn't show the appropriate location. In absence of transcript, the C.D.R. cannot be relied in order to show the involvement of applicant in the crime. The case is based on the circumstantial evidence. Last seen evidence is weak evidence. Krushna Panhalkar is the interested witness. Death certificate doesn't support the theory of the prosecution. The F.I.R. shows that accused Rohit and Omkar informed to the relative of deceased that Rohidas was lying near the road due to the assault by unknown persons and hence, they carried him in the hospital. This itself shows that there was no intention on the part of applicant to commit offence of murder. Had their intention to commit the murder, they would not have carried deceased to the hospital. There is no prima-facie case for the offences alleged against applicant. Applicant is young college going student. He is in jail since last 10 months. His future will be ruined, if he is not released on bail. Applicant is having permanent residence. Applicant is ready to abide all conditions as may be imposed by the Court. Hence, the Ld. Counsel for the applicant prayed to release the applicant on bail.

04. Per contra, Shri.Muke, the Ld. APP for State submitted that there was love affair between deceased & Tanaya who is the sister of Vedant. Hence, all accused persons called deceased at village Karanjoshi and they took him to high hills and assaulted him by wooden logs. Due to which, deceased died. Apart from the

circumstance of recovery and C.D.R., there is circumstance of last seen together. As such there is ample evidence on record showing the involvement of applicant in heinous and serious crime. Hence, he prayed that application be rejected.

05. The F.I.R. shows that on 14.06.2024 at about 9.00 a.m., Rohidas had gone to Padekarwadi. Chandrabhaga is the mother of Rohidas. She stated that Rohidas had gone to Padekarwadi to reside there. On 16.06.2024 at about 11.00 a.m., she talked him and inquired with him about his arrival at village Karanjoshi. On same day at about 5.00 p.m., Rohidas gave her phone call and told her that, he reached to Nagthane by S.T.Bus and he has some work with his friends. However, he didn't return till 7.00 p.m. His phone was switched off. Hence, she gave phone call to her brother Ravindra Pawar, the informant. The statement of Krushna Panhalkar shows that on 16.06.2024 at about 5.30 p.m., he was proceeding to Thoseghar by motorcycle. At that time, he saw that his nephew Rohidas got down from the S.T.Bus. He talked with him. Then Rohidas met to the boys from his village i.e. applicant and co-accused. Thereafter, Rohidas walked along with them towards high hills behind 'Ganesh' temple. The M.L.C. report shows that Rohidas was brought in the hospital by Rohit Pawar and Omkar Panhalkar at about 9.20 p.m. Therefore, it prima-facie appears that Rohidas was in the company of applicant and co-accused at about 5.30 p.m. and his dead-body was brought to the hospital at 9.20 p.m. Deceased Rohidas was last seen in the company of the applicants and co-accused.

06. Further, statement of Tanaya shows that, she was studying at Virar, Mumbai. She is resident of village Karanjoshi. Accused Rohidas resides near to her house. In April, 2023, Rohidas

came in her house. He hugged and kissed her. He showed her video of kissing in his mobile. In April 2024, she again came to village for vacation of school. At that time, Aaditya Pawar called Rohidas behind her house. Her brother Vedant and other co-accused including applicant were present there. Aaditya slapped Rohidas and told him not to keep any relation with Tanaya. He also convinced Tanaya. The present incident occurred on 16.06.2024. The earlier incident occurred in April 2024. Therefore, it prima-facie appears that applicant and co-accused wanted to teach lesson to Rohidas. There was motive for commission of murder as alleged by the Ld. A.P.P. for the State.

07. In this context, the Ld. Counsel for the applicant placed reliance on the following decisions;

- i) ***Ashish Shinde Vs. State of Maharashtra in Criminal Appeal No.327 of 2024 decided on 07.04.2025 (Bombay High Court)*** :- In this case, deceased was last seen with accused while drinking liquor. Accused was in jail for a period more than one year and five months. There was no motive to kill the deceased against all accused. Hence, accused was released on bail.
- ii) ***Amir Imtiyaj Mujawar & Ors Vs. The State of Maharashtra in Criminal Bail Application No.3485 of 2019 decided on 21.01.2020*** :- This case was based on the last seen evidence. Motive was not established. Blood stained clothes were not recovered. There was no evidence of C.D.R. In this backdrop of these facts, Hon'ble Bombay High Court granted the bail.
- iii) ***Barati Vs. State of U.P. in Criminal Misc. Case No.2634 (B) of 2003 decided on 16.07.2003 Allahabad High Court (Lucknow Bench)*** :- In this case, Hon'ble Allahabad High Court

observed that case is based on circumstantial evidence. Hence, bail granted to the accused.

iv) *Rohidas Gangaram Jadhav Vs. State of Maharashtra 2002 ALL MR (Cri) 573* :- In this case, there was two sets of inconsistent evidence. Hence, Hon'ble Bombay High Court granted the bail.

08. Relying on the ratio laid down in the aforesaid cases, the Ld. Counsel for applicant contends that applicant is college going student. The circumstantial evidence is a weak evidence. The incident of Tanaya with Rohidas was not related with the applicant. The earlier dispute was settled. There was no motive for commission of murder.

09. There cannot be two opinions about the ratio laid down in aforesaid cases. However, statement of Krushna Panhalkar is recorded immediately on 18.06.2024. He has categorically stated that on 16.06.2024 at about 5.30 p.m., Rohidas was seen along with applicant and co-accused. They went towards high hills behind 'Ganesh' temple. As earlier stated, the dead-body was carried to the hospital at about 9.20 p.m. Therefore, the death of deceased occurred within a span of four hours.

10. The postmortem report shows that multiple contusion injuries found on all over the body including the head of the deceased Rohidas. The deceased died due to respiratory arrest. It is needless to say that respiratory arrest also occurs due to the injuries. Even the F.I.R. also shows that Rohit Pawar informed about the beating to Rohidas by unknown persons. Therefore, the death of Rohidas cannot be said to be the natural. The deceased was in the company of applicant and co-accused. Rohidas had

kissed Tanaya, the sister of Vedant. Applicant seems to be friends of Vedant. Hence, there was reason for the applicant to involve in the crime.

11. The C.D.R. report shows that accused Nikhil gave phone call to Rohidas on 09.06.2024, 12.06.2024, 15.06.2024, 16.06.2024. Accused Nikhil gave seven phone calls to the deceased. The last call is at about 5.16 p.m. The C.D.R. report also shows that accused Omkar gave phone call on 16.06.2024 to deceased. The C.D.R. report also shows that accused Omkar, Nikhil, Rohit, Sahil, Tejas, Kumar, Devendra and Vedant were either in Nagthane or nearby vicinity at the relevant time. The C.D.R. report shows that location of Aaditya and Nikhil is missing. However, Nikhil had given the phone call. It is a matter of technical evidence. The statement of Krushna Panhalkar clearly shows that deceased Rohidas went along with applicant and other co-accused. Therefore, burden was on the accused to explain the circumstances in which Rohidas died.

12. The wooden log has been recovered at the instance of Omkar from the spot of incident. The Ld. Counsel for the applicant argued that memorandum of panchnama is prepared on 21.06.2024 at about 11.15 a.m. He further submitted that Investigating Officer would have prepared panchnama of the spot immediately after the F.I.R. The photograph shows that wooden logs have been recovered from the open space. Hence, the panchnama is doubtful.

13. However, the photograph shows that open space is lonely space. It is near the high hills. Therefore, it is quite probable that applicant carried the deceased along with them as per the

statement of Krushna Panhalkar. Thereafter, death immediately occurred within a span of four hours. Accused did not explain the circumstances in which cause of death occurred. Hence, I am of the opinion that there is a prima-facie case for the offence U/s.302 of the I.P.C.

14. As per ratio laid down in the aforesaid cases, circumstantial evidence is a weak evidence. The statement of the co-accused is not admissible in the evidence. In regard to the college going student, bail should be granted. However, in the present case, there are number of contusion injuries over the body of deceased. It prima-facie shows that when deceased was in the company of applicant and co-accused beat him and due to that, deceased died due to the attack of respiratory arrest. Hence, there is prima-facie case against applicant. The offence is serious. Long detention is not the sole criteria for grant of bail. Hence, citations relied by the Ld. Counsel for the applicant is not applicable to the facts and circumstances of the present case.

15. In case of co-operation by the accused, the case can be taken on priority basis. The case is pending as the bail application is not argued. Therefore, long detention is not the sole criteria for grant of bail.

16. The Court cannot overlook the public outcry. The young boy is murdered. Applicant and co-accused shared common intention. Deceased Rohidas outraged the modesty of Tanaya, the sister of Vedant. Applicant and co-accused are friends of Vedant. Therefore, there was certainly motive for committing the murder. Hence, no case made out by the applicant for grant of bail. In the result, I pass the following order.

ORDER

1. Application (Exh.3) is dismissed.

Date- 29/05/2025

(S.R.Tamboli)
District Judge-1 &
Addl. Sessions Judge, Satara