



Devendra Banaji Ghadage	...Accused No.7
V/s.	
State of Maharashtra	...Respondent
(Through Borgaon Pol. Stn.)	

ORDER BELOW EXH.10

1. Gone through the application, say and documents.
2. In short the prosecution case is that, the informant who is maternal uncle of deceased Rohidas lodged the report alleging that, unknown person committed murder of his nephew Rohidas on 16.06.2024. Later on, the informant came to know about the scuffle took place between the deceased and accused on account of having affair of deceased with sister of one of the accused. The accused persons were also seen in the company of deceased on 16.06.2024. Thus, by way of supplementary statement, the report is lodged against accused persons.
3. The Ld. Adv. for the accused submitted that, the prosecution story is based upon circumstantial evidence. The prosecution put forth motive of previous scuffle on account of affair, however, the said issue was settled long back in the year 2024. The so called role attributed to present accused is not clear. The point of last seen together is the only issue against present applicant. The Ld. Adv. placed reliance on the law laid down by Hon'ble High Court in the case of **Ashish Shinde v/s. State of Maharashtra in Criminal Appeal No. 327 of 2024**, in the case of **Ameer Mujawar & Anr. v/s.**

State of Maharashtra in Criminal Bail Application No. 3485 of 2019, in the case of **Mohit @ P.K. Mahadev Mohurle v/s. State of Maharashtra in Criminal Application No. 417 of 2023** and in case of **Nikhil Todsam v/s. State of Maharashtra in Criminal Application No. 31 of 2021** and submitted that, in similar facts, the Hon'ble Bombay High Court granted bail to the accused against whom the point of last seen together has been raised. It is submitted that, the investigation is completed followed by charge-sheet and thus, prayed for grant of bail.

4. Per contra, the Ld. APP submitted that, the applicant, during investigation disclosed his memorandum under which, the applicant took the investigation agency at river where he had thrown cellphone of deceased. The Ld. APP thus submitted that, the accused has also committed the offence punishable under Section 201 of IPC. It is contended that, the bail application of co-accused is rejected. Thus, prayed for rejection of the application.

5. The FIR goes to show that, the same was initially lodged against unknown person, however later on, the informant came to know that, the accused persons have eliminated his nephew on account of previous dispute pertaining to love affair with sister of one of the accused. The deceased was last seen in the company of accused persons. The statement of witness Krushna Panhalkar is to that effect. As per his statement, the deceased was taken behind back of Ganesh temple in aloof place. Thereafter, as per the prosecution, the accused persons carried dead body to the civil hospital and from there, they made phone call to the family members of the deceased and informed them about death of Rohidas. The accused persons posed that, the deceased was lying on Nagthane highway and they carried him to the

civil hospital.

6. It is pertinent to note that, it is the accused persons who noticed the deceased lying on the road except other villagers. The accused persons, thus, can be said to have some knowledge pertaining the deceased and therefore, probably they came to the spot and carried the deceased Rohidas to the hospital. Be it as it may, the offence is serious having life imprisonment. None of the co-accused has been released on bail. The role of present accused is more or less same as that of co-accused whose bail is refused.

7. So far the authorities so relied upon, in the case of **Shinde** (supra), the Hon'ble High Court was pleased to grant bail to the accused as there was no motive to kill the deceased. The same is in the case of **Ameer Mujawar** (supra). The Hon'ble High Court was pleased to grant bail to the accused in the case of **Mohurle** (supra), by considering evidential value of confessional statement of co-accused. The Hon'ble High Court in the case of **Todsam** (supra) granted bail to the accused considering the fact of availability of no material against him. With due and great respect, the authorities are not much helpful to the applicant for want of similar facts. That apart, here the memorandum statement of accused along with the theory of last seen together goes to show that, the applicant was involved in serious offence of committing murder. Thus, in my view, this is not a fit case for grant of bail. Hence, following order:-

ORDER

Application (Exh.10) is rejected.

Satara
Date : 12.06.2025.

(A.M. Shete)
Additional Sessions Judge-1, Satara.