

MHST010017312023



ORDER BELOW EXH.5 IN SESSIONS CASE NO.72/2023.

State of Maharashtra Prosecution

Vs.

Vikas Hiraman Sakat Accused

This is an application u/s. 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2] The accused is prosecuted and charge-sheeted for the offence punishable u/ss. 302 and 201 of the Indian Penal Code.

3] **The relevant facts in brief are that -**

On 30.12.2022 extensively decomposed female body was found buried in the rear portion of a Bungalow. The owner of the Bungalow had been staying at Mumbai. The accused was engaged as a watchman of the Bungalow. During day time, he used to work in nearby shop and stay at night in watchman's room inside the Bungalow's gate. The deceased was identified initially as "Mangal Shinde". Further investigation lead to the information that she was actually "Sitabai Bajrang Kokare", R/o. Gursale, Taluka Khatav, District Satara. She had left the company of her family members. During the period of incident she was residing in a rented portion of

a house at Sangam Mahuli, Taluka and District Satara. It is alleged that the accused was acquainted with the deceased. During Diwali Festival of the year 2022. The accused came to the deceased's rented room, took her alongwith him. Thereafter, whereabouts of both of them were not known.

4] It is alleged that on the instructions of the owner of the Bungalow, the informant opened the Bungalow which was in closed condition for previous four months. He was instructed by the owner to get the Bungalow cleaned for a religious function. The informant and his companion when opened the Bungalow, sensed foul smell and in the rear portion found partially buried decomposed body of the deceased. The matter was then reported to the Police.

5] Since the accused suddenly stopped staying at the Bungalow and went away without informing to anybody his role was examined and found that he killed the lady for her ornaments. He sold them to a Goldsmith. He confessed his act to his father. His father advised to him to approach the Police. But, he did not do so.

6] In this background of accusations, the learned Defence Advocate for the applicant submitted that there is no eye-witness account of this incident. There is no last scene theory account. The alleged recovery of ornaments from the Goldsmith or alleged extra judicial confession made by the accused to his father are not strong pieces of evidences. According to him, there is nothing which would directly connect the accused with the crime. Even the cause of death

of the deceased is not yet determined.

7] On the other hand, Shri. N. D. Muke, learned APP emphasized that the accused had suddenly left the Bungalow without informing anybody. Before that he had taken alongwith him the deceased. He emphasized on the statement of Goldsmith that the accused had been to the Goldsmith's shop and sold deceased's ornaments. According to him, the circumstances strongly indicate that the death is homicidal.

8] As regards, the last submission regarding the death is possibly homicidal, it seems to be so. However, as regards the role of the accused as a culprit, the prosecution's story rests on the hypothesis that the accused left the Bungalow all of a sudden. The probative value of the recovery of gold ornaments from the Goldsmith on behest of the accused or his extra judicial confession to his father would definitely need to be tested by the touchstone of probability.

9] At this stage, prima-facie it would suffice to say that the material on record may not be sufficient to directly connect the accused with the alleged crime. In view of this discussion, this Court is persuaded by the request of the Defence Advocate. Hence, the following order :

ORDER

1] Application (Exh.5) is allowed.

- 2] The accused-Vikas Hiranman Sakat be released on bail in C.R. No. 4/2023 registered at Satara Taluka Police Station, Taluka and District Satara for the offence punishable u/ss. 302 and 201 of the Indian Penal Code, on execution of P.R. Bond in the sum of Rs. 1,00,000/- (Rupees One lac only) and Surety Bond in the like amount on furnishing one or two sureties.
- 3] The accused-Vikas Hiranman Sakat shall provide his detail address alongwith address proof, ration card, his phone number, if any to this Court while furnishing bail papers.
- 4] The accused-Vikas Hiranman Sakat shall not change so stated place of resident without intimating the Court.
- 5] The accused-Vikas Hiranman Sakat shall provide details of his two near relatives alongwith their phone numbers.
- 6] The accused-Vikas Hiranman Sakat shall co-operate in trial of the case.
- 7] The accused-Vikas Hiranman Sakat shall not tamper with the evidence or attempt to influence or contact the informant, witnesses or any person concerned with the case.

(Dictated and pronounced in open Court)

Date :- 14/06/2024.

(V. R. Joshi)
Sessions Judge, Satara.