

Sessions Case No.20/2024**Order below Bail Application Exh. 13 :**

01. This is application for bail by accused Sandip Sheshmani Patel under Section 483 of B.N.S.S, 2023 in crime No. 390/2023 registered with Mhaswad Police Station.

02. It is contended that he is hailing from Madhya Pradesh and presently residing at village Paryanti, Tal.Man, Dist.Satara for his livelihood. He is the only bread winner of his family. He has not committed alleged offence. There is no direct evidence available on record showing his involvement in the crime. There are no eye witnesses to the incident. There is some delay in filing FIR and subsequently complainant by making supplementary statement improved his version of F.I.R. The F.I.R. is filed against unknown persons. The circumstantial evidence collected by the prosecution is also not sufficient to connect the accused with crime. He is in jail since his arrest. Trial will take considerable time. Investigation is completed, charge-sheet is filed, he will not tamper with prosecution evidence/ witnesses, he will attend the Court on each given date. With these material contentions he pray for grant of regular bail.

03. Prosecution has filed its say vide Exh.18 and strongly opposed the application contending that offence of double murder of helpless women who happens to be the daughter and mother of each other has been committed by this applicant/ accused along with his other two colleague co-accused. The prosecution has collected sufficient circumstantial evidence in the form of recovery

of stolen article from the particular place at the instance of disclosure statement made by this accused. There is every possibility of his tampering with prosecution witnesses after his release on bail. The prosecution is ready to conduct the trial on priority basis. With these contentions, prosecution pray for rejection of bail application.

04. The Investigating Officer Akshay Sonawane has filed his say at Exh.19 and opposed the application in the same line of Ld. A.PP.

05. I have heard the Ld. Advocate Anilkumar for accused and the Ld. A.PP. Shri. V.H. Katkar for State.

06. This case is came to be transferred to this Court on 9.6.2025 and when it was brought to my notice that all three accused of the case are under trial prisoners. I thought it proper firstly to frame charge against them to expedite the trial of the case. Accordingly, I have secured their presence on V.C. through Jail and framed charge by reading over substance of accusation to them to which they pleaded not guilty. As per usual practice their statements below charge sent to the Jail authority on e-mail with request to obtain signature of concerned accused persons on their respective forms and sent it back to the Court. The charge framed by the Court is at Exh.14 and statement of accused persons are at Exh.15, 16 and 17. The Jail authority forwarded those all three statements vide their letter dated 25.6.2025 bearing outward No. 3415 recording therein that all three accused persons have refused to sign those

statements. Those were received by office on 2.7.2025 and now tagged with charge at Exh.14.

07. From perusal of the proceeding, it appears that the application for regular bail has also been filed by accused Ajinkyakumar Ramkishor Patel vide Exh.7 in the proceeding of Sessions Case itself. It appears that the Sessions Judge-1, Vaduj has rejected the said application on 2.5.2025 before transfer of this case to this Court. It is also brought to my notice by the Bench Clerk Bagekari that accused Ganesh Laxman Narale has moved separate application for bail being Criminal Misc. Application No. 42/2024 before Additional Sessions Judge-1 and the same was also been rejected on 24.5.2024. So, in substance application filed for regular bail by accused Anilkumar Ramkishor Patel and Ganesh Laxman Narale are came to be rejected.

08. Notably, when accusation of charge were read over and explained to the accused in first morning session, their Advocate on record was not present before Court. Thereafter, on same day in second sessions this application for bail below Exh.13 is filed by accused Sandip Sheshmani Patel through his Advocate.

09. Now, coming to the merits of the bail application in the light of evidence collected by the prosecution. According to allegations of FIR dated 21.12.2023 filed by Dajiram Laxman Narale, he was residing along with wife Sunita, son Pravin and unmarried daughter Divya and Bharati at village Paryanti, Tal.Man, Dist.Satara. His sister Nandabai married to Bhiku Yallappa Atpadkar

of same village, 32 years back and it was second marriage of said Bhiku Yallappa Atpadkar. Bhiku Atpadkar has constructed separate house in same village for Nandabai and also started a grocery shop in said house for Nandabai. Bhiku Atpadkar, the husband of Nandabai, died six years prior to the complaint dated 21.12.2023. As after demise of Bhiku Atpadkar, Nandabai alone was required to stay in the house, therefore, the parents of Dajiram also started to reside with Nandabai. Laxman, the father of Dajiram & Nandabai, died two years prior to the complaint dated 21.12.2023. Since then Sampatabai, the mother of Dajiram and Nandabai was started to stay with Nandabai permanently and was coming to the home of Dajiram in morning and evening for usual pooja of home Gods and Deities. Both Nandabai and Sampatabai have wore some golden ornaments on their persons, consists of golden Mangalsutra, ear rings locally called as '*Bugadi*'. They both have also wore nose ornaments locally known as '*Chamki*' and '*Nath*'. Besides this they have had stored some golden and silver ornaments in the house consists of two pairs of *Masoli*, *Managati*, *Wale*, two pieces of bresslet, one small piece of silver bresslet, silver waist belt and silver wrist ornaments. Beside this, Nandabai using a mobile phone. There was cash of Rs.20,000/- of grocery shop kept in still tiffin.

10. It is alleged in the F.I.R. dated 21.12.2023 that in the night of 20.12.2023 at 8.00 p.m. when Dajiram asked mother Sampatabai to have her dinner with him then she told that Nandabai had already cooked food for her and therefore, she will go there and took her dinner and will also sleep there. Accordingly, mother went to the house of Nandabai and as usual slept there.

11. It is further alleged in the F.I.R. that in the next day morning of 21.12.2023 Dajiram went to his field to perform his usual work of cleaning cattle shed, hatching milk of cattle etc. and when was returning to the home from field at 7.00 a.m., daughter Bharati rushed toward him by crying. Thereupon he did enquiry with her as to what had happened, then she told that as usual when she went to the house of Nandabai in morning, the grocery shop was found unlocked and residential house was found latched from outside. Therefore, she opened the latch and entered into house and noticed that Nandabai found lying in supine condition half naked from waist side. As she has not seen any movement of Nandabai, Bharati got frightened and came out of the house crying and met the father Dajiram in the way. Daughter Bharati further told that she had disclosed the incident to Pandurang Bhau Narale who met in the way prior to his meeting to Bharati. Thereupon, Dajiram hurriedly went to the house of Nandabai, meanwhile Pandurang Bhau Narale along with village Police Patil came there and they all saw that Sampatabai was found sitting by the side of gunney bag in dead condition and in front of her, Nandabai was found lying in supine condition half-naked from waist. On going close to them, they noticed that necks of both Nandabai and Sampatabai were tied with black rope having knot. The home articles were found lying in scattered condition. On the basis of complaint dated 21.12.2023, crime vide C.R. No. 390/2023 has been registered against unknown persons.

12. During the course of investigation, the concerned I.O. has arrested all three accused persons, seized clothes alleged to have been wore by them at the time of incident and also recovered some articles at the instance of disclosure statement made by accused persons and same is the strong piece of evidence to connect them with the crime.

13. So far as this applicant is concerned, he was arrested on 24.12.2023 at 4.41 p.m. and during his personal search, Redmee mobile was seized, particulars thereof itself mentioned in the said arrest cum seizure memo. His clothes were also been seized. There are two panchanamas under Section 27 of Indian Evidence Act has been drawn by the I.O. against present applicant/ accused. One is of dated 27.12.2023 and another is of dated 30.12.2023. According to first panchanama dated 27.12.2023, cash amount of Rs.12,110/-, one pair of silver *Painjan*, small size silver bresslet of child along with waist silver chain, one pair of golden ear ring and one pair of another type of golden ring known as *Bugadya*, one pair of nose ornament (*Nath*) and empty steel box, 25 golden bids of Mangalsutra in damaged condition has been seized. The complainant in his supplementary statement gave particulars of stolen articles consists of silver and golden ornaments.

14. On careful perusal of the description of articles given by complainant in his supplementary statement and this recovery memo prima facie it appears that it has some nexus with each other. In other words, the property alleged to have been stolen prima facie found to be recovered at the instance of disclosure statement made

by this accused. The question of delay caused in making supplementary statement of giving particulars of stolen articles and evidential value of information about place of articles which alleged to have been recovered at the instance of disclosure statement made by applicant needs full fledged trial. On taking glance of supplementary statement of complainant dated 23.12.2023 it appears that he explained cause of delay stating that on seeing death of mother and sister he got frightened and was not able to ascertain any sort of theft of golden or silver ornaments committed by the decoitees/ robbers. The complaint is of dated 21.12.2023. This supplementary statement is of 23.12.2023, therefore, prima facie it cannot be said that some substantial delay has been caused in giving particulars of stolen property by the complainant to the police.

15. As stated above, during course personal search on arrest of accused, mobile phone was seized, nowhere he claimed that it belongs to his personal mobile phone. In the supplementary statement, case of theft of the mobile phone of Nandabai is made out. Therefore, recovery of mobile during course of personal search of accused is having some nexus showing his involvement in the crime. So far as the confirming ownership of Nandabai over said mobile based upon sim cards is concerned, according to second memorandum of this applicant dated 30.12.2023, he shown water reservoir wherein he thrown the sim card of stolen mobile. Police tried to search out the same, but could not able to find out and seize the same. Further, this aspect needs consideration during trial.

16. It is true that any sort of confessional statement made by co-accused cannot be considered against other accused but while considering application filed for regular bail, in the light of nature of present crime, in my view, the memorandum statement of other accused needs some consideration.

17. The memorandum of accused Ganesh Narale dated 29.12.2023 would show that at the instance of disclosure statement made by him cash amount of Rs.6,700/- one pair of silver Painjan, one pair of small bresslet of child, one pair of fish style silver ornament (Masoli), one pair of golden ear rings, one golden nose ornament (Nath) and 15 golden bids of golden Mangalsutra in damaged condition were seized. This description of the articles tallies with the description of stolen articles mentioned in supplementary statement of complainant. So, some pieces or pairs of stolen articles were found with accused Ganesh Narale and same were with this applicant Sandip. Cumulative effect thereof would show that they have got apportioned/ divided stolen property amongst them.

18. Thus, it appears that these accused persons with intend to commit robbery have entered into the house of Nanda Atpadkar with whom her 75 years mother Sampatabai was staying and probably when they offered residence to them during the course of robbery they have killed them by tying their legs by black colour rope. The cause of death of Sampatabai and Nandabai mentioned in their respective P.M. reports as asphyxia due to ligature strangulation, manner of death is homicidal. The column No.17 of

their respective PM. Notes would show considerable length of ligature mark around their neck and hyoid bone fracture at junction of body, the fracture and margin shows extra vexation of blood, irregular red. These PM. Notes goes to show that neck of both victims were tied/ strangled with the help of rope in such forceful manner that their hyoid bone came to be fractured at the juncture of body. So, the manner of strangulating helpless women, prima facie goes to show the brutal/ cruel nature of crime. Considering all these aspects, in my view, applicant is not entitled to regular bail.

19. As discussed above, the Court has tried its level best to expedite the trial as on first date of hearing before this Court, accusation of charge were read over and explained to the accused on V.C. by securing their presence from Kalamba Jail. They pleaded not guilty, however refused to sign the required statement along with charge. Therefore, it appears that indirectly they are pressurizing the Court for granting bail to them else they will not proceed with the trial. This is not fair conduct on their part. When this fact was brought to the notice of the Ld. Advocate Anilkumar who argued the bail application on 1.7.2025 in presence of all accused by securing their presence through V.C. from Jail, he assured that he will ask all the accused persons to sign the statement along with charge in prescribed forms, then again e-mail of required forms were sent to Kalamba Jail authority with a request to obtain signature of concerned accused and forward the same to the Court. Now the Court is waiting for those signed forms of the accused, unless those signed forms are received, Court would not be in a position to treat

the charge is properly and completely framed against accused persons. If that is so, then trial will not be commenced in the matter. Needless to say the accused was required to be detained behind bar at their own cost and risk on their failure to sign plea forms. In the result, I proceed to pass the following order.

ORDER

01. Application Exh.13 is rejected and this was informed to the accused by securing his presence on V.C. through the concerned Jail.

(Dictated and pronounced in open Court).

Place: Vaduj
Date : 03.07.2025.

(N.S. Kole)
Addl. Sessions Judge Vaduj.