

**Sessions Case No.32/2024**

State of Maharashtra .. Prosecution  
vs.  
Vikas Deepak Kamble. .. Accused.

**Order below Bail Application Exh. 10 :**

01. First application for regular bail is filed on various grounds set out in the petition. I have gone through the same.

02. It is contended that applicant/ accused has not committed offence but he came to be implicated falsely on suspicion. FIR was filed against unknown person. He was roped in the crime on the basis of statement of Aparna Rajendra Kamble, which is contradictory to her statement recorded by the Ld. Magistrate. There is no direct evidence showing involvement of accused in the crime and Circumstantial evidence is also not sufficient to connect him with the crime. He is in Jail since 24.4.2024. He is 29 years young boy and only earning member of his family. His detention will adversely affect income source of his family. He will not tamper with prosecution evidence, witnesses and ready to abide all conditions to be imposed by the Court. With these material contentions he pray for regular bail.

03. The concerned I.O. S.A. Poman has filed his say at Exh.11 and opposed the application contending that offence committed by the accused is serious in nature. There are criminal antecedents showing his involvement in serious I.P.C. crimes and crimes under POCSO Act. There is possibility of his either repenting

similar crime after release on bail or pressurizing or tampering with prosecution witnesses. There is also no possibility of his attending Court after grant of bail. With these contentions he pray for rejection of the bail application.

04. The Ld. Spl. P.P. by filing pursis Exh.12 has adopted the say filed by the Investigating Officer being the say of prosecution.

05. On last date, the Ld. Advocate of applicant was not present before Court for proceeding with this bail application. Therefore, it was adjourned and kept on today.

06. Today the Ld. Advocate Shri. Bankar for accused appeared before the Court and has argued the bail application and cited certain authorities. I will deal with the same while assessing the material on record.

07. The Ld. Spl. P.P. Shri. A.P. Kadam for State opposed for grant of bail.

08. FIR dated 24.4.2024 was filed by Sumitra Shantaram Sawant, the mother of deceased Viki Shantaram Sawant. According to her allegations, her husband Shantaram died in the year 2004, she begotten two daughters viz. Rani and Reshma from Shantaram and those are married and residing with their respective husbands. Similarly, Shantaram firstly married to Ranjana who is no more. Three sons of Ranjana are married and residing with their respective

families at various places. Sumitra along with deceased Rohit was residing at Ambedkarnagar, Khatav.

09. In the night of 23.4.2024 she slept in the inside room and son Rohit slept in open courtyard in front of her room. In the morning of 24.4.2024 at 6.00 a.m. she woke up and came to the son and gave wake up call but he did not wake up. Thereupon, she removed Chaddar and found that blood had come out from his nose and mouth and he lied movement-less. Thereupon she cried loudly. On hearing the same, neighbours as well as village Police Patil Akshay Bhosale came there and they found that Rohit is dead. Someone informed the same to Pusegaon Police Station, they came to the spot, then Sumitra lodged report about causing death of son Rohit by unknown person.

10. Subsequent to lodging such report against unknown person Aparna Rajaram Kamble met to Sumitra and told that she had illicit relations with deceased Rohit as well as accused Vikas Kamble. She further stated that accused asking her to discontinue the relations with deceased as same did not like him. She further disclosed complainant Sumitra that accused threatened her of serious consequences of her not discontinuing relations with deceased as in that case he will finish the deceased. She further disclosed Sumitra that in the night of 23.4.2024 she went to the house of accused as per call given by him. There she established physical relations with him and in the dawn at 1.40 a.m. some quarrel had taken place between her and accused on account of her illicit relations with deceased.

11. She further informed to Sumitra that on her refusal to discontinue illicit relations with Rohit and telling the same to accused during the course of her quarrel of dawn of 24.4.2024, accused left the house by wearing Bermuda underwear and black colour 'T' shirt by detaining Aparna in the house by latching door from outside.

12. She further informed to Sumitra that after lapse of considerable time, accused returned to home at 3.40 a.m. and removed the latch. Then she noticed that he had only underwear. She did enquiry about Bermuda pant and black colour T- Shirt as well as where he had gone. She further informed to Sumitra that then accused told that he want to finish the deceased and accordingly, finished by hitting stone on his head when he was in sleep. Aparna further informed to Sumitra that accused disclosed her that after finishing deceased, he came to the house, set on fire the fire-place of the courtyard of the house and has burnt T-Shirt, Bermuda as blood stains of deceased were appeared thereon. Aparna further informed to Sumitra that as accused has threatened her saying that he will finish her children like deceased in case if she disclosed the incident of killing of deceased to anybody. Therefore, immediately she did not disclose the same to anybody even after coming to know about the death of deceased.

13. Thereafter, supplementary statement of Sumitra was recorded to the effect that her sone was killed by accused by assaulting with stone due to his illicit relations with Aparna etc.

Then Section 201 of I.P.C. of causing disappearance of evidence was added. The concerned Investigating Officer has recorded the statement of Aparna Kamble and other witnesses of said locality. Aparna stated about her illicit relations with both deceased and accused and quarrel raised by accused with her for not discontinuing illicit relations with deceased etc. She further stated that in the dawn of 23.4.2024 accused gone out of the house by wearing Bermuda and T Shirt, and his coming at 3.40 a.m. only with underwear, making disclosure statement of committing murder of deceased by assaulting with stone, burning of T shirt and Bermuda in the fire-place in the courtyard of house etc.

14. All other witnesses of locality have stated about coming to know the murder of deceased committed by accused through Aparna Kamble. The police persons are stating about carrying dead body for post-mortem, collecting report of blood samples, depositing of the same with Investigating Officer as well as subsequent depositing property of the crime with C.A. Pune. Beside this, the Investigating Officer has got recorded statement of complainant Sumitra Sawant and Aparna Kamble under Section 164 of Cr.P.C. through the Judicial Magistrate, F.C.

15. After considering the statements of almost all witnesses, prima facie it appears that there is no direct evidence available on record showing involvement of accused in the crime. There is circumstantial evidence as well as evidence about motive for commission of the crime etc. The motive is of having illicit relations

of deceased with Aparna and asking of accused to both deceased as well as Aparna to discontinue their interse relations etc.

16. Undisputedly, in the first FIR filed against unknown person, nothing was stated about motive and alleged illicit relations etc. Though in supplementary statement, Sumitra stated about same fact being a strong cause for accused to commit murder of his son, but unfortunately in her statement before the Judicial Magistrate F.C., she made exact contrary statement. She stated before the Magistrate that there were no illicit relations between her deceased son and Aparna but accused was suspecting about the same. Similarly Aparna in her statement before the Judicial Magistrate though stated that in the night of 23.4.2024 when she was in the house of accused, he left the house at the dawn at 1.40 a.m. by latching door from outside, but has not stated anything about the extra judicial confession statement made by accused about committing murder of deceased. However, concluding para of her statement before the Judicial Magistrate, F.C., she stated that from other peoples she came to know that accused killed deceased by hitting stone on his head. Even she has not stated anything about her illicit relations with accused.

17. The complainant made contrary statement before the Judicial Magistrate about illicit relations of Aparna with her deceased son alleged to be the motive for accused to commit his murder. Though Aparna stated in her statement before police that accused disclosed her about murder of deceased committed by him

by hitting stone on his head due to illicit relations with Aparna, she has not stated similar fact before the Judicial Magistrate.

18. In this regard, the Ld. Advocate for accused relied upon the case of **Gajanan Ramkrishna Kumre vs. State of Maharashtra, AIR ONLINE 2020 BOM 1676**. His Lordship ruled that the contradictions in statements of witnesses, one before police and one before Magistrate, needs consideration while considering application filed for regular bail. Therefore, in my view, above referred material contradictions appeared in the statements of complainant and star witness Aparna Kamble, one recorded by Investigating Officer and another by Judicial Magistrate with regard to the illicit relations of deceased with Aparna as a motive for accused to commit his murder as well as extra judicial confessional statement made by the accused before Aparna needs consideration. Therefore, prima facie it cannot be said that their statements before police are sufficient to prove the motive or fact of making extra judicial confession by accused.

19. Beside this, prosecution also relied upon circumstantial evidence of recovery of stone at the instance of disclosure statement made by accused being a strong piece of circumstantial evidence to connect him with crime. However, till date the C.A. reports are not produced before Court though as per investigation papers, it was sent to C.A. on 1.5.2024. Therefore, at this stage, prosecution cannot avail this circumstance to oppose the present bail application.

20. In this regard, the Ld. Advocate for accused relied upon case of **Mohd. Iqbal(Guddu) Mustakeen Shaikh vs. State of Maharashtra, Bail Application No. 2115 of 2025**. His Lordship ruled that in absence of producing C.A. report showing use of weapon of the crime by the accused, prosecution cannot use the said circumstance to oppose the bail application, further adding that the admissibility and evidential value thereof can only be appreciated after proper scrutiny and testing by way of cross-examination. In view of this, law laid down by the Hon'ble High Court at this stage of considering application filed for grant of regular bail, prosecution cannot avail this circumstance to oppose the bail application in absence of producing C.A. report on record.

21. The prosecution also heavily relied upon Criminal antecedents of accused. In the say of Exh.11, it is stated that crime vide C.R. No. 7/2015 for the offence punishable under Section 307, 504 and Crime vide C.R. No.106/2018 for the offence punishable under Section 354, 504, 506 along with the provisions of POCSO Act have been registered against accused with Pusegaon Police Station. However, as stated above, he is in Jail since 24.4.2024. Charge is framed on 10.7.2025. No steps are taken either to deposit the C.A. reports or to proceed with the trial without C.A. report. Considering the detention of accused since 24.4.2024, prosecution cannot avail this ground of criminal antecedents to oppose his bail application.

22. In this regard also, the Ld. Advocate for accused relied upon the case of **Abhimanue vs. State of Kerala, (Criminal Appeal**

**Nos. 4197-4199 of 2025).** His Lordship of Apex Court ruled the criminal antecedents by themselves cannot constitute a ground for denial of bail when otherwise accused succeeded in making of strong prima facie case to claim the bail. Here in the case at hand also the circumstantial evidence prima facie does not inspire any confidence in the eye of law in the light of contradictions appearing in the statements of witnesses, one recorded by Investigating Officer and one by Judicial Magistrate, F.C. The C.A. reports are not made available since long time. The accused is in jail since his arrest. Therefore, in my view, he succeeded in establishing claim for regular bail. Therefore, criminal antecedents does not come into his way to defeat his right to claim bail.

23. The Ld. Special PP. raised serious apprehension of tampering with the evidence of prosecution or pressurizing of the witnesses as charge for the offence punishable under Section 201 is already been levelled against him.

24. In this regard, the Ld. Advocate Shri. Bankar for accused made statement before Court that accused will not enter into jurisdiction of Satara District except for attending this Court proceeding and ready to give such undertaking, and thereupon he filed such pursis below Exh.15. Therefore, in my view, the apprehension of pressurizing witnesses stands pacified by this pursis and such condition can be imposed upon him.

25. As accused is entitled to claim bail on merit, I do not think it proper to consider the submission of his Advocate about

right to claim bail on the ground of not informing grounds of arrest etc.

26. Thus, in view of my above discussion, I come to the conclusion that accused is entitled to the regular bail subject to some material conditions. Hence the order.

### **ORDER**

01. Applicant/ accused Vikas Deepak Kamble, Age-29 years, R/o Ambedkarnagar, Tal.Khatav, Dist.Satara be released on bail on his executing solvent surety of Rs. 1 Lakh with P.B. of like amount on following conditions :-

(1) He shall not enter within the jurisdiction of Satara District as per undertaking cum pursis filed by him through his Advocate vide Exh.15, except for attending the Court dates of this proceeding.

(2) He shall not tamper wiht the prosecution evidence and create pressure upon the prosecution witnesses.

(3) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

(4) He shall not contact complainant and witnesses in any manner.

(5) He should furnish particulars of his Mobile cell phone and whereabouts with police enabling them to contact as and when found necessary for lawful purposes.

(6) He shall not indulge with criminal activities in any manner.

(Dictated and pronounced in open Court.)

**Place: Vaduj**  
**Date : 25.09.2025.**

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