

ORDER BELOW EXH.146 in SESSIONS CASE NO. 25 OF 2023

(State of Mah. Vs. Santosh Gulabrao Pol)

(Passed on this 14th day of February 2025)

1] Instant bail application has been filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, for grant of regular bail inter-alia contending that Police Station Officer, Wai has registered Crime bearing No.175/2016 relating to the offences punishable under Sections 302, 201, 120(B), 397, 404 r/w.34 of Indian Penal Code.

2] In brief, prosecution has come with the case that accused Santosh Gulabrao Pol with the help of Approver Jyoti Mandhare had inflicted a blow of iron rod on the head of deceased Salama Shaikh in order to rob her on 17.01.2016 during the period 6.30 a.m. to 7.30 a.m. Consequently, they have committed murder of said Salama Shaikh at Poultry Farm situated at Dhom, Tal.Wai, Dist.Satara. According to prosecution, main accused Santosh Pol with the help of approver had hatched conspiracy about detaining the person to whom, they wanted to rob the golden ornaments secretly and also for being committed the murder of such person. Other serious allegations have been made by prosecution against main accused Santosh Pol and approver. Consequently, crime was registered against them. Investigation was completed. Charge-sheet has been filed.

3] Accused Santosh Pol was arrested on 27.08.2016. Approver was also arrested on 26.08.2016. After filing charge-sheet their presence was secured and charge has been framed against them vide Exh.54 for the offence punishable under Sections 302, 201, 120(B), 397, 404 r/w.34 of Indian Penal Code. Accused claimed to be tried.

4] According to accused Santosh Pol, he has been falsely implicated in the

case. He is innocent one. He has been suffering from severe diseases. Prosecution failed to examine their relevant witnesses within the huge period taken by them. Other accused approver has been released on bail. In such circumstances, ground of parity is applicable to him. He is alone earning member in his family. His economic condition is poor. Prior to 1 ½ years, he had lost his son of 18 years. In such circumstances, if he is released on bail, then he will co-operate in the trial and will not misuse the bail. Lastly, it is implored for being allowed his bail application.

5] Learned APP has filed say vide Exh.176 and thereby strenuously opposed bail application of accused Santosh Pol on the grounds that if bail is granted to the applicant, he will tamper the witnesses of the prosecution. More than sufficient evidence is there against him, which shows his prima facie involvement in serious crime. Six murder cases have been filed against accused Santosh Pol and they are pending before this Court. There is no legal ground to allow the application. Lastly, it is requested for rejecting bail application.

6] I have heard both the learned Counsels for the parties.

7] Perused case papers. On perusal of case papers, it will find that allegations are made by prosecution that accused Santosh Pol with the help of approver had committed the murder of one Salama in order to rob her golden ornaments by abducting and detaining her (deceased) at secret place. Allegations made against present accused Santosh is that, he has committed murder of Salama brutally by inflicting blow of iron rod in her head.

8] Case papers also show that charge has been framed against them promptly on 26.08.2019. Thereafter, evidence of approver has been started to record on 15.02.2020. Having considered serious nature of offence and in order to cover various factors and aspects, prosecution has taken lengthy chief-

examination and said chief-examination is completed on 19.12.2020. Thereafter, cross-examination from the side of accused was started and it was recorded by fixing case on 19.12.2020, 20.12.2021, 20.03.2024, 09.08.2024, 22.08.2024, 26.09.2024, 02.12.2024. Now case is posted for completing further cross-examination from the side of accused Santosh Pol. It is known to all that during the period of year 2019, 2020, some period of 2021 has been spent due to spreading of Corona disease. Therefore, it appears that some obstacles have been created there due to such unavoidable situation. In such facts and circumstances, it will also find that same type of charges has been levelled in other five cases and their case numbers are S.C.No.24/2023, S.C.No.26/2023, S.C.No.27/2023, S.C.28/2023 & S.C.No.29/2023. It is further to be noted that evidence of approver has been completed in S.C.No.24/2023 and S.C.No.26/2023. Thereafter, her evidence is being recorded in S.C.No.25/2023.

9] Furthermore, record itself discloses that accused has moved various applications on record which are at Exhs.143, 144A, 149, 150, 151, 152 & 158. Out of them, some of the applications have been decided by the Court. Filing of those applications have created obstruction in the progress of trial. It is worthwhile to note that out of six murder cases, in 3 cases, recording of evidence has been already started.

10] In above referred facts and circumstances, it cannot be observed that prosecution did not conduct the trial expeditiously. Present accused Santosh Pol has been facing six criminal Sessions trials relating to the committing of murder. Other accused has turned as approver. Evidence of approver is being recorded. In such circumstances, if main accused Santosh Pol is released on bail, then there are every chances of creating hurdles in the progress of trial and for applying pressure on the prosecution witnesses. Needless to say that capital punishment or life imprisonment has been provided

to major offence punishable u/s. 302 of I.P.C. Therefore, according to me, having considered serious nature of offence and in the light of above discussion, I find that there is no legal ground available to the accused Santosh Bail for being released on bail. As such, bail application is liable to be rejected. In the result, following order is passed.

ORDER

Bail application (Exh.146) is rejected.

Wai
Date: 14.02.2025

(R.N.Mehare)
Addl. Sessions Judge, Wai.