

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WASHIM.**

**S.T. No.73/2024**

Bhagwat +1 x State

**Order below Exh.39**

[ Passed on 19/12/2024]

The applicants/accused have filed this bail application under Sec.483 of B.N.S.S. Washim City police arrested the applicants/accused in Crime No.503/2024 for the offence punishable under Sections 103(1), 189(2), 189(4), 190, 191(2), 191(3), 115(2) of B.N.S., 2023 & Sec.4 and 25 of Arms Act.

2. Heard Ld. advocate for the applicants/accused and Ld. APP for the State. Perused the charge-sheet. The informant has filed objection to this bail application at Exh.45. Heard Ld. advocate for the informant.

3. The Ld. advocate for the applicants/accused submitted that eye witnesses i.e. Rajesh Rambhau Gadekar, Bhushan Shankar Thakre, Suresh Waman Ghuge, Hanuman Arjun Aru have stated in their police statement that some 7 to 8 unknown boys were assaulting one boy by fist and slap. They have not stated name of any of the applicants/accused. The investigation officer has not conducted the identification parade. He submitted that statement of Yogesh Kadam and other so called eye witnesses were recorded u/s 183 of B.N.S.S.2023 and in said statements including Yogesh Kadam none of the eye witness stated about the alleged incident favourable to the case of prosecution. He submitted that charge-sheet is filed against accused and there is no prima-facie evidence against the applicant/accused. On these grounds he prayed that the applications be allowed.

4. On the other hand the Ld. APP and Ld. advocate for the informant submitted that the applicant/accused Bhagwat is main accused and the incident took place on the ground that deceased came to

know about the relation of accused Bhagwat with one girl from his village and therefore accused Bhagwat alongwith other co-accused made conspiracy in U & Me Cafe and then all the accused had gone to Bibekar Hospital where the deceased was working and before the staff of Bibekar Hospital i.e. Godavari Ghuge, Priyanka Chatur, Datta Kakde, Vishal Gawali the accused persons beat deceased. Then again before Balaji Book Stall the accused persons beat deceased and then before Pratik Rubber Shop they again assaulted the deceased and killed him. He submitted that there is ample evidence to show that the applicants/accused alongwith other accused formed unlawful assembly with object to kill deceased and in furtherance of their common object they killed the deceased. The Ld. advocate for informant submitted that this incident took place near police station in broad day light and if the accused are released on bail then wrong message will be spread in public at large that it is easy to kill someone and secure bail. He submitted that if the accused persons are released on bail then they will put pressure on the informant and other prosecution witnesses. On these ground both of them prayed that application be rejected.

5. It is case of prosecution that on 29/08/2024 the applicants/accused alongwith other co-accused formed unlawful assembly and killed deceased Rahul Wagh. The motive of the crime is that accused Bhagwat Ghongde was asking deceased Rahul to delete his and his female friend photographs from his mobile phone.

6. I have perused the charge-sheet. It is in the police statement of witnesses Rajesh Rambhau Gadekar, Bhushan Shankar Thakre, Suresh Waman Ghuge, Hanuman Arjuna Aru that some 7 to 8 unknown boys were assaulting one boy by fist and slap. They have not identified the applicants/accused. Investigation officer has not conducted test

identification parade. I have perused the copy of statements of witnesses Godawari Bhagwan Ghude, Priyanka Pradip Chatur, Krushnna @ Shrikisan Dayaram Kale, Kisan Ashok Gawali, Dattatraya Waman Kakde. Dattarao Ganesh Deshmukh, Rajesh Gadekar, Bhushan Shivshankar Thakre, Hanuman Arjuna Aru, Sagar Vitthal Sawant, Yogesh Anil Kadam and Suresh Waman Ghuge recorded u/s 183 of B.N.S.S.2023 by Magistrate Washim. Their said statements are prima-facie different from their police statements and in said statements none of the above witness stated that the applicant/accused assaulted the deceased and killed him.

7. Considering all the above aspects I am of the view that the applicants/accused are entitled to be released on bail. Hence, I pass the following order.

**ORDER**

1. Application is allowed.
2. Applicant/accused no.1 Bhagwat Vikrama Ghongade and no.2 Sagar Santosh Mapari shall be released on bail on their executing PR. Bond of Rs.50,000/- each with surety in the like amount, in Crime No.503/2024 for the offence punishable under Sections 103(1), 189(2), 189(4), 190, 191(2), 191(3), 115(2) of B.N.S., 2023 & Sec.4 and 25 of Arms Act, registered with Washim City police station.
3. Applicants/accused are hereby directed not to put pressurize on the witnesses and not to tamper the prosecution evidence.

Date : 19/12/2024

( N.R.Pradhan )  
Additional Sessions Judge, Washim.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer :- R.K.Pawar, Stenographer (Grade-I)

Name of Court :- District Judge-1 and Additional Sessions Judge, Washim.

Date of Judgment/ Order :- 19/12/2024

Judgment/Order signed by the :- 19/12/2024  
Presiding Officer on

Judgment/Order uploaded on :- 20/12/2024