

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WASHIM.

S.T. No.73/2024

Virendra x State

Order below Exh.63

[Passed on 14/01/2025]

The applicant/accused has filed this bail application under Sec.483 of B.N.S.S. Washim City police arrested the applicant/accused in Crime No.503/2024 and he is facing trial 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 applicant/accused and Ld. APP for the State. Perused the charge-sheet. The informant has filed objection to this bail application at Exh.67. Heard Ld. advocate for the informant.

3. The Ld. advocate for the applicant/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 applicant/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 in police statement of witness Yogesh Kadam stated that applicant/accused gave blow of stick on the back of deceased, however cause of death mentioned in PM is hemorrhage and shock due to stabbing. He submitted that cause of death is not due to stick blow. 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 application be allowed.

4. On the other hand the Ld. APP and Ld. advocate for the informant submitted that the applicant/accused Virendra Khadse has given blow of stick to deceased therefore his active participation is there. They submitted that applicant/accused 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. They submitted that there is ample evidence to show that the applicant/accused alongwith other accused formed unlawful assembly with object to kill deceased and in furtherance of their common object they killed the deceased. They 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 applicant/accused alongwith other co-accused formed unlawful assembly and killed deceased Rahul Wagh. The motive of the crime is that co-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 applicant/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 Judicial 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 applicant/accused is entitled to be released on bail. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. Applicant/accused Virendra Santosh Khadse shall be released on bail on his executing P.R. Bond of Rs.50,000/- 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. Applicant/accused is hereby directed not to put pressurize on the witnesses and not to tamper the prosecution evidence.

Date : 14/01/2025

(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	:-	14/01/2025
Judgment/Order signed by the Presiding Officer on	:-	14/01/2025
Judgment/Order uploaded on	:-	14/01/2025