

Sessions case No.5/2026
State ..Vs.. Pankaj Jabde + 4,
(CNR No.MHYA010001692026)

ORAL ORDER BELOW EXH. 3

1. This is an application for bail under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023.
2. Heard the learned counsel for the accused No.5 Yogesh Vinodrao Gotmare and the learned P.P for the State. Perused the record.
3. It is submitted by the learned counsel for the accused No.5 Yogesh Gotmare that the informant was not an eye witness to the incident. The accused No.5 is not named in the FIR. There is unexplained delay in the lodging of the FIR and the recording of the statements of witnesses. There was no common object to commit the murder. The accused is aged about 18 years only.
4. *Per contra*, it is submitted by the learned PP that the accused No.5 played role in the assault and is involved in the offence of murder. The roles of the accused persons cannot be separated. There is the possibility of tampering with the witnesses and endangering their lives. There is the possibility of recurrence of crime.
5. As per the FIR, the accused No.5 and the other co-

accused assaulted the deceased with fists and kicks. A co-accused assaulted the deceased on his abdomen and chest with a knife. As per the statements of the alleged eye witnesses also, the role attributed to the applicant is that of being the member of an unlawful assembly and assaulting the deceased with fists and kicks. It has further been stated by the eye witnesses that a co-accused took out a knife and inflicted the blows thereof on the abdomen and the chest of the deceased. One of the co-accused is said to have instigated him.

6. *Prima facie*, the accused No.5 does not appear to have shared a common intention to cause death, nor does he appear to have shared a common object, to give effect to murder, in the light of the role attributed to him, i.e., of beating with fists and kicks. Apart from the same, the accused No.5 appears to be just 18 years old.

7. Considering the entire circumstances, the accused No.5 deserves to be enlarged on bail, due to which, I proceed to pass the following order.

ORDER

1. The application is hereby allowed.
2. The accused No.5 Yogesh Vinodrao Gotmare be released on bail, on his executing P.R. bond of ₹.1,00,000/- [₹. One lakh Only], with one surety in the like amount, in the aforesaid crime, on the following conditions:-

- (i) The accused No.5 shall not tamper with the prosecution witnesses in any manner.
- (ii) The accused No.5 shall not indulge into any similar crime.

Date: 12/03/2026
Place: Yavatmal.

(S.U. Baghele)
Additional Sessions Judge,
Yavatmal.