

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

ORAL ORDER BELOW EXH. 47

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.3 Tushar Ashokrao Raghatate and the learned P.P for the State. Perused the record.
3. It is submitted by the learned counsel for the accused No.3 Tushar Ashokrao Raghatate that there are no criminal antecedents against the accused No.3. His role was similar to that of the accused Nos.1, 2 and 5, who are already enlarged on bail. Hence, the accused No.3 deserves parity. The main allegations are leveled against accused Rohan Deshmukh.
4. *Per contra*, it is submitted by the learned PP that there was the sharing of common object. The accused No.3 shouted, to kill the deceased. There is a *prima facie* case against him. He is likely to pressurize the witnesses and tamper with the evidence. There is danger to the lives of the witnesses.
5. As per the FIR, the accused No.3 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 accused No.3 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. The accused No.3 is said to have instigated the said co-accused to kill the deceased, by calling upon him to kill him, by shouting aloud. The co-accused is said to have inflicted the blows of the knife again, after the said instigation, by the accused No.3.

6. Considering the role attributed to the accused No.3, it can *prima facie* be seen that the accused No.3, at least, shared a common intention with the co-accused, who is alleged to have inflicted the blows of knife. Apart from the same, as per the FIR, the accused No.3 is said to have rolled a bullet motorcycle on the body of the deceased, which further adds to the intention of the accused No.3.

7. Considering the gravity of the crime and the specific role attributed to the accused No.3, he does not deserve to be enlarged on bail. Insofar as the question of parity is concerned, the accused Nos.1, 2 and 5 appear to have been enlarged on bail, by considering their limited role of assault with fist and kicks, without the sharing of any common intention or common object, *qua* the

commission of the crime in question. Hence, there is no parity *inter se* the roles attributed to the accused No.3 and the accused Nos.1, 2 and 5.

8. In the light of the foregoing observations, and also considering the possibility of influencing the witnesses, in the light of the manner in which the crime in question was *prima facie* given effect to, the accused No.3 does not deserve to be released on bail, due to which, I proceed to pass the following order.

ORDER

The application is hereby rejected.

Date: 18/04/2026

Place: Yavatmal.

(S.U. Baghele)

Additional Sessions Judge,
Yavatmal.