



ORDER BELOW EXH.90
(Suresh Hirgude Vs State of Maharashtra)

This application for bail under Section 439 of Cr.PC. by accused/ applicant **Suresh Karbhari Hirgude** in connection with Cr.No. 387/2021 of police Station Jath, punishable under Sections 302, 452, 404, 143, 148, 149 of I.P.C. and Sections 4 and 25 of the Arms Act.

2. In short the case of prosecution that, deceased Tukaram was brother of informant. Due to family dispute Tukaram was living alone at a farm house located at village Nigadi, Tal. Jath, Dist. Sangli. He owned a Scorpio vehicle bearing registration No.MH-10-CA-7691. On 26.07.2021 farm owner Datta Sale informed to the informant that, Tukaram was lying in a pool of blood at the farm house. When informant reached the spot, he found Tukaram dead. The mobile phone and Scorpio of deceased were missing. Consequently, informant lodged a report against unknown persons for commission of murder of deceased Tukaram with dangerous weapon. On its basis C.R.No.387/2019 was registered dated 26.07.2021. Applicant /accused came to be arrested dated 29.07.2021.

3. Accused/ applicant prayed for bail on the following grounds.

- He is innocent and falsely involved in this case.
- The complaint was registered against unknown person and the

applicant is arrested only on the basis of suspension.

- The investigation is completed and charge sheet is before this Court so further custody of the applicant is not required.
- Three daughters and son of applicant are taking education in 12th, 9th, 7th and 5th standards. Their examinations are in the upcoming months.
- Since four years applicant is behind bar and his wife is struggling to survive and educate their children.
- Complainant has not seen that said incident of assault, even he has not raise suspension against the applicant.
- Applicant had no previous enmity with a deceased.
- The ingredients of Section 302 are not attracted.
- This is not a case of contract killing, nor there is evidence to show that, accused was having intention to commit murder of deceased.
- Applicant is driver and from that work he got acquainted with co-accused No.1 and he is unaware of the intention of co-accused.
- The entire case is based on circumstantial evidence.
- No any incriminating article has been recovered at the instance of applicant. Since four years applicant is in jail and there is no progress in the trial.
- Applicant has no criminal past.
- He will not pressurize to the witnesses, he is released on bail.

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- He is ready to abide conditions, if imposed upon him.

Thus, for these and other grounds accused / applicant prayed to release him on bail.

4. The prosecution has opposed the application by filing say at Exh.94 on the grounds that, the previous bail applications of this applicant are rejected up to the Hon'ble Apex Court. There is ample evidence showing active participation of applicant in commission of the offence. All accused No.1 to 5 have committed brutal murder of deceased Tukaram in furtherance of their common intention. If applicant accused is released on bail there is every possibility of tampering with the prosecution evidence or pressurizing to the prosecution witnesses. Accused / applicant may abscond if released on bail. Thus, prosecution has strongly opposed the application and submitted for its rejection.

5. Court considered arguments, examined record. From the record and statements of witnesses, it can be gathered that, the allegations made in the F.I.R. are supported by the material collected by Investigating Officer. It is part of record that, previous bail applications of the applicant are rejected up to the Hon'ble Apex Court.

6. The advocate for applicant has submitted that, applicant has four children studying in 12th, 9th, 7th and 5th standards and their examinations are in the upcoming months. He has further submitted that on humanitarian ground the accused may be released on bail for

the period of five months. Previous bail applications are rejected up to the Hon'ble Apex Court. There is no change in the circumstances. Police papers shows that, accused / applicant has played role in commission of offence. Now, the matter is part heard and part evidence of PW No.1 Ravi Haridas Koli is recorded and matter is pending for further evidence. The offence is serious in nature. The witnesses are residing in the same locality where accused is residing. If applicant / accused is released on bail, there is every possibility that the witnesses will be under threat. As per recitals of the application, wife of applicant is looking after the children. Hence, considering the possibility of tampering of prosecution evidence and threatening to the witnesses by the applicant if he is released on bail, this Court is of the view that, applicant / accused is not entitled to get bail. Thus, the application is devoid of merits. It is liable for rejection. Hence, the order :-

ORDER

1. Application (Exh.90) is rejected.

(Dictated directly and pronounced in open Court)

Sangli.
Date : 07.01.2026.

(Smt. M. S. Kakade)
Addl. Sessions Judge, Sangli.

CERTIFICATE

I affirm that, the contents of this PDF File Order are same, word to word, as per the original order.

Name of Stenographer	: R. S. Pol. Stenographer Grade - I
Name of Court	: Additional Sessions Judge, Sangli.
Date of Order	: 07.01.2026.
Judgment / order signed by the Presiding Officer	: 09.01.2026.
Order uploaded on	: 09.01.2026.