



CNR:MHSN010025102025

Order Below Exh. 19 in Sessions Case No. 180 of 2025
(State of Maharashtra Vs. Swapnil Tanaji Kshirsagar Etc.)

1. Applicant/accused No. 2 Sushant Shankar Shejul is seeking regular bail in connection with Crime No. 192/2025 registered with Kavathemahankal Police Station for the offence punishable under Sections 103(1), 118(2), 115(2), 352, 351(2), 351(3), 3(5) of B.N.S. 2023.

Case of prosecution -

2. The prosecution story in short is that, informant is wife of deceased Ajit Kshirsagar. It is alleged in the FIR that, there was enmity between her husband with accused nos.1 and 2 on the ground of advancing money. On 18/05/2025 at 4-00 p.m. deceased left home to bring the household articles but, did not return. On 19/05/2025 at 1-00 p.m. her brother-in-law Mohan Kshirsagar told that Ajit is lying in injured condition behind High School of village. So, she along-with her brother-in-laws Vijay Kshirsagar and Rohit Kshirsagar rushed there and saw Ajit lying in injured condition. Ajit disclosed to them that yesterday i.e. on 18/05/2025 at 10-30 p.m. he along-with accused nos.1 and 2 had been behind Karande High-school. Accused no.2 had taken Rs.2,000/- from him. He asked him to return the said amount

whereby he got annoyed. Accused no.2 lifted the stone and implicated blow of it on his head. Thereafter, accused no.1 also lifted stone and gave its blow on his leg. Accused nos.1 and 2 also assaulted him by fists and kick blows. She along-with others took Ajit to Civil Hospital, Miraj. However, injured Ajit died during treatment. Accordingly, crime registered with Kavathemahankal police station.

3. The applicant averred that, he is innocent and is falsely implicated in alleged offence. The prosecution case is based on circumstantial evidence and there is no direct eye witness. The alleged dispute took place on trivial count of advancing Rs.2,000/- and no deadly weapon is used in the alleged offence. The deceased survived for many hours without treatment and later succumbed to injuries, which creates doubt whether death was due to assault or lack of immediate treatment. No bloodstains were found on the clothes of present applicant/accused. Nothing is recovered at the instance of present applicant/accused. The investigation is completed and charge-sheet is filed. Therefore, further custodial interrogation of the applicant/ accused is not necessary. The applicant further averred that the Hon'ble High Court granted bail to co-accused and therefore, on the ground of parity, bail be granted. The applicant/accused is permanent resident of village Kuktoli, Tal. Kavathemahankal, Dist. Sangli and he will not abscond, if released on bail. The applicant/accused is ready to abide by any conditions, if any, imposed while releasing him on bail. Hence, prayed for bail.

4. Prosecution filed say at Exh. 35 and objected the bail application. It is submitted that, the offence is of serious nature and applicant/accused and co-accused committed murder of the deceased. At the time of commission of offence, the applicant/accused assaulted the deceased with stone on his head i.e. vital part of the body. The witnesses and the applicant/accused are resident of same village and if the applicant/accused released on bail, he tamper the prosecution witnesses and evidence. So also if the applicant/accused is released on bail, he will abscond. Hence, prayed to reject the bail application.

5. The learned advocate for applicant/accused submitted that as per prosecution case on the trivial ground of advancing Rs.2,000/- the dispute took place. From the allegation in the FIR, it can be gathered that there was no intention or premeditation to commit murder of the deceased and the incident has occurred in the spur of moment. Further, if the deceased had received immediate medical treatment, he would not have succumbed to injuries. The Hon'ble High Court has granted bail to co-accused observing that there was no premeditation and that the charge-sheet is filed and trial would take its own time. Therefore, he prayed that on the ground of parity, present applicant/accused be released on bail.

6. On the other hand, learned Addl. PP submitted that there is strong evidence on record that applicant/accused and co-

accused committed murder of deceased. The offence is very serious. If applicant/accused is release on bail, he will tamper the evidence. Therefore, bail be rejected.

7. Perused the application, say and charge-sheet. In the present case, allegations leveled that the applicant/accused and co-accused committed murder of deceased. It is specific allegation in the FIR that present applicant/accused assaulted by stone on the head of the deceased which is vital part of the body. On perusal of postmortem report, it is seen that the deceased had sustained in all 10 injuries including skull deep injury over right occipital region. It is also seen that there was palpable fracture of skull. Internal fracture injuries to head are also found. The Medical Officer opined cause of death due to head injury. The record also shows that the applicant/accused while in custody given disclosure statement and accordingly, the motorcycle used at the time of offence for carrying the deceased, is recovered at his instance. As per FIR, the allegation against co-accused are that he assaulted the deceased with stone on his leg. So, the role attributed to the present applicant/accused and co-accused is altogether different. Under such circumstances, the applicant/accused is not entitled for the bail on ground of parity.

8. On the basis of material available on record prima facie there is sufficient evidence against the applicant/accused. The accusations against the applicant/accused is well founded. Therefore, considering the nature of accusations, punishment

provided for the offence, if bail is granted, there is every possibility of applicant/accused hampering/tampering the evidence/witnesses, so it would not just to release her on bail. So also charge is framed against the accused persons and case is posted for hearing, therefore, prosecution can be directed to expedite the trial. With these observations, I pass the following order.

: ORDER :

1. Application is rejected.
2. The prosecution is directed to expedite the trial.
3. Inform to Jail Authority, accordingly.

Sangli.
Date: 30/07/2026.

(S. M. Chandgade)
Addl. Sessions Judge, Sangli