

S.T. No. 78/2024.
State.Vrs. Rameshwar+2
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ORDER BELOW EX.14.

[Passed on 24th April, 2025]

Present application is placed on record by applicant/accused No.1 Parmeshwar Ashok Uparwat, under section 483 of BNSS for grant of regular bail in connection with Crime No.558/2023, registered for the offences punishable under sections 302, 326, 323 and 504 read with section 34 of Indian Penal Code. In the said matter investigation is completed. Charge sheet came to be filed and on that basis present case came to be registered which is pending on the file of this Court. Presently, accused No.1 has been in jail. I have read the grounds of bail mentioned in the application. This is first bail application.

2) Investigating Officer and learned A.P.P. opposed the bail application by filing their common say Exh.15.

Accusation :

3) Prior to the present incident, Rupesh Dagdu Uparwat son of brother of Ashok Uparwat had eloped with grand daughter of informant. They performed marriage. At that time, informant family had some dispute with Dagdu and Ashok Uparwat. Since then Dagdu and Ashok Uparwat were keeping grudge against informant and his family members. On 16.12.2023 at about 10.30 a.m. near Social Function Hall, he was standing alongwith his relatives namely Bhimrao Uparwat, Wasudeo Uparwat and Dinkar Uparwat. At that time, Parmeshwar Ashok Uparwat, Paravin Uparwat, Milind Uparwat

and Rameshwar Uparwat were quarreling with informant's son Mangesh near hand pump situated at some distance from Social Function Hall. During that quarrel Pravin and Milind caught hold Mangesh Uparwat from his back side. At that time Parmeshwar Uparwat gave iron pipe blow on the head of Mangesh. After that Mangesh fell down on ground. Thereafter, Pravin Uparwat, Milind Uparwat and Rameshwar Uparwat gave kick and fist blows to Mangesh. Immediately informant and his relatives namely Bhimrao Uparwat, Wasudeo Uparwat and Dinkar Uparwat rushed towards the place of incident. Seeing them accused persons fled away from there. They they took Mangesh to P.H.C., Patur. Doctor advised them to take injured to Akola. Doctors from Civil Hospital, Akola asked them to take injured to Nagpur. They admitted injured in Sahara Hospital, Akola. Hence, the report. Thereafter, during treatment injured succumbed to injuries.

Submissions :-

4) Learned advocate Mr. V.P. Jadhav appearing for the accused No.1 took me through first information report and pointed out that only allegation against the accused is that he gave iron pipe blow to the deceased. He further submits that in the said incident accused also received injuries as the deceased and other persons assaulted them. So, the present applicant/accused has filed report against the deceased and his family members. He further submits that other two accused persons have granted bail by the Hon'ble High Court. Lastly, he submits that the accused was under the influence of liquor. He further submits that accused has been in jail since last 15 months. Investigation is completed. As such he submits that the

accused is entitled for grant of bail and prayed to release him on bail.

5) On the other hand learned AGP Mr. R.S. Relkar, appearing for the State submits that accused gave iron pipe blow on the head of the deceased. Said iron pipe came to be seized during the course of investigation at the instance of present accused. He further submits that there were two head injuries to the deceased. He further submits that P.M. report shows that accused died of head injuries. Lastly, he submits that Bhimrao, Wasudeo and Dinkar are the eye witnesses of the present incident. They have specifically stated the role of the accused. As such he submits that accused is the key person in the present crime. On such counts he prayed for rejection of bail.

Reasons :-

6) Admittedly, present bail application came to be filed after submission of charge sheet. So I have gone through the charge sheet. From perusal of discovery panchanama, it appears that iron pipe which was used in commission of crime came to be seized at the instance of present accused.

7) Further from perusal of Postmortem Examination Report, it appears that the cause of death is head injury in alleged case of assault. Thus, the P.M. report co-relates that the injured died of head injuries caused due to assault of iron pipe.

8) Bhimrao, Wasudeo and Dinkar in their statements before police specifically stated that the present accused gave iron pipe blow on the head of deceased Mangesh. Thus, these witnesses assigned specific role to the present accused.

9) Thus, from the material discussed above it becomes clear that there is strong prima facie case against the present accused. He is the key accused in the present matter. C.A. report is yet to be received.

10) Role of other accused and present accused is altogether different. Other accused persons have alleged to have assaulted deceased with kick and fist blows. However, the present accused gave iron pipe blow on the vital part of the body of deceased. Therefore, ground of parity will not be applicable to the present case. Thus, for the aforesaid reasons, application is liable to be rejected. Hence, the following order.

Order

Application (Exh.14) for grant of regular bail is hereby rejected.

Date : 24.04.2025.

[Sanjay P. Shinde]
Additional Session Judge, Akola.

Certificate

I affirm that the contents of this PDF file are same word for word as per original order.

Name of Steno	: S.V. Indane.
Court's name	: District Judge-3 and Additional Sessions Judge, Akola
Date	: 24.04.2025.
Signed by P.O. on	: 24.04.2025.
Uploaded on	: 24.04.2025.