

ORDER BELOW Exh.22.
(Passed on 24.04.2025)

This application is filed by accused no.3 Prashant Pundlikrao Kumbhare under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with Crime No.348/2024 (Sessions Case No.03/2025) registered at Police Station, Sindewahi, Tah. Sindewahi, Distt. Chandrapur under sections 103, 140 (3), 3 (5), 61 (2) of the Bharatiya Nyaya Sanhita, 2023. The charge-sheet has already been filed and the matter is at the stage where charges are required to be framed.

2. On 13.09.2024 the deceased Nandakishor who is resident of village Saradpar, Tah. Sindewahi went missing. The First Information Report lodged by brother Sanjay Hiranman Khobragade alleges that the deceased had purchased landed property in the year 2021 at village Kinhi from one Nandubhau Pyaramwar and because of this transaction relations of deceased with accused no.1 Namdeo Dhanvijay were strained. It is also alleged that accused no.1 had threatened the deceased in one incident. After filing of FIR of kidnapping against accused no.1 Namdeo Dhanvijay and two other unknown accused, investigation was conducted and it was further transpired that accused no.1 conspired to eliminate the deceased and, at his behest, accused no.3 and 4 executed the plan. Firstly accused nos.3 and 4 went to the

house of deceased Nandakishor and at the pretext of purchasing illegal sand, they asked him to come along with them. Thereafter they took the deceased to village Rajoli where they consumed liquor at a local bar and subsequently they pushed the deceased off a bridge into the river resulting in his death. Body of deceased was later recovered leading to charges under section 103 of Bharatiya Nyaya Sanhita, 2023. All four accused were arrested and now they are behind bars.

3. I have carefully heard to the learned Advocate Shri Ratnaparkhi for the accused no.3 and Shri D.V. Mahajan, for the State. Both parties have advanced their respective arguments at length.

4. Learned Advocate for accused no.3 contended that there was dispute between accused no.1 and deceased. It is further alleged that accused no.2 told accused no.3 and 4 about the dispute of accused no.1 and asked accused nos.3 and 4 to approach the deceased for settlement. According to those instructions, accused nos.3 and 4 went to the house of deceased by motorcycle and by pretending to purchase sand without royalty they constrained the deceased to come out of the house for consuming liquor. At that place accused no.1 and 2 also joined them and by seeing accused no.1, deceased started abusing him. Accused no.3 tried to pacify the matter but accused no.1 forcefully gave blow of fist and pushed the deceased in the river.

5. Considering the averments of bail application of accused no.3 it becomes clear that he has tried to say that he was present at the time of murder but murder was committed by accused no.1. However, this fact appears to be not probable considering the witnesses of last seen and evidence of the prosecution based on CCTV footage. Witness Yograj Khushal Pakmode, Sachin Madhukar Ganvir and Nilesh Gajanan Musali have deposed before the Magistrate under section 183 of BNSS, 2023 that only two persons were present along with the deceased Nandakishor. Be that as it may, the role attributed to accused no.3 is not peripheral. He was present in the company of the deceased shortly before the death. Therefore, the plea of parity with accused no.2 is clearly misplaced as the role of accused no.2 is limited to having made a vehicle available and there is no evidence of his presence or participation. Considering the totality of the material and specific allegations against the applicant, this court is not inclined to exercise discretion in favour of accused no.3. Therefore, I pass following order.

Order

Application is rejected.

(L.D. Bile)
Additional Sessions Judge,
Chandrapur.

Date : 24.04.2025.