

ORDER BELOW Exh.20.
(Passed on 24.04.2025)

This application is filed by accused no.4 Kunal s/o Vilas Parchake 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 S.R. Ambatkar for the accused no.4 and Shri S.B. Nagpure for the State. Both parties have advanced their respective arguments at length.

4. Learned Advocate for accused no.4 contended that he was not present at the time of incident. According to him, crime was committed by accused no.1, 2 and 3. He relied on the letter dated 27.09.2024 which is written by Police Inspector Satish Meshram in course of his investigation to the Superintendent of Police, Chandrapur wherein he has mentioned that accused no.1 and 3 had kidnapped the deceased Nandakishor and thereafter they had visited Hotel Nilesh Bar and Restaurant for drinking liquor. However, this fact is mentioned in the very initial stage of the investigation.

Now charge-sheet has been filed. Ample witnesses are brought on record including CCTV footages which clearly indicates that accused Prashant Pundlikrao Kumbhare and Kunal Vilas Parchake had kidnapped the deceased as per instructions of accused no.1 and thereafter they both were present together on the bridge where the murder was committed. These facts are appropriately mentioned in the bail order of accused no.2 as well below Exh.6. 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.4. Therefore, I pass following order.

Order

Application is rejected.

Date : 24.04.2025.

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