

CNR:MHCH01-001829-2021:

ORDER BELOW EXH.92
(Passed on 29.10.2025)

This is an application (Exh.92) under Section 437 r/w sec.439 of the Criminal Procedure Code (for short Cr.P.C.) for releasing applicant/accused Rajkumar Baburao Kannake on regular bail in Crime No.132/2021 registered with Police Station, Kothari, Tah. Ballarpur, Dist. Chandrapur for offence punishable under Sections 302, 201, 109 r/w sec. 34 and 120-B of the Indian Penal Code.

2. It is the case of prosecution that, on 03.07.2021 the complainant Muttayya Yellaya Sidam lodged a report with police Station Kothari that on 30.06.2021 at 11.00 hours he got information from his nephew Pratap Sidam on phone that Kavita fell down from the vehicle near the bridge of Manora village, which sustained injury on forehead and become unconscious and died. Thereafter, her body of deceased brought by pick-up vehicle at home. On 01.07.2021 when he and all relatives reached to the house of Kavita (deceased), they found that there was swelling on her forehead, head injury and black and blue marks on her neck. Thereafter, they all were inquired about the incident to accused Sitaram Gangaram Kannake before the panchayat of village, accused Gangadhar confessed that he pressed the neck and assaulted on her head by utensils due to which she fell down and died on spot. Hence, this report.

3. It is contended by Ld. counsel for applicant/accused Shri. R. D. Sagore that, there was no intention, preparation, attempt to commit this offence. The present applicant/accused has been falsely

implicated in the said offence and that none of the co-accused and witnesses has named him as having participated in the assault. Nothing was recovered at his instance except his blood sample. He had played no active role in the assault. The applicant/accused was not present on the incident spot even nobody had seen that he is present at the spot of incident and he was not accompanied with deceased and other co-accused. The applicant/accused may involve in this crime only on the ground of suspicious. The allegations levelled against the applicant/accused is fake.

4. It further submitted that the applicant is young boy of 25 years and he is doing business and maintained his family. The applicant is not a dangerous criminal. If the applicant is not released on bail, he would be put to suffer great inconvenience and losses, which can even cause problems in his educational life too. The applicant/accused is ready to furnish bail and ready to abide by each and every conditions imposed by this Court while releasing him on bail. Therefore, he prayed for allowing his application.

5. The learned APP Smt. S. B. Ramteke has filed her say on the same overleaf of this application and strongly opposed the bail application on the ground that the applicant/accused was also involved and present at the time of incident in alleged murder. Accused Rajkumar wearing hand gloves and pressed neck of deceased. Hence, he should not be released as he has played active role and lastly prayed to reject the application.

6. Offence under section 302 of Indian Penal Code requires a

strict judicial approach the discretionary power under section 439 of the Code of Criminal Procedure must be exercised in light of the gravity of the crime and possibility of tampering with the evidence is also to be looked into. The principles governing the grant of bail in serious offences dictate that where the crime is of violent in nature and the evidence prima facie implies the presence of the accused then bail should not be granted unless exceptional circumstances exists.

7. I have gone through the bail application, say, F.I.R. and case record. I have also heard oral arguments of both sides Ld. advocates. Ld. counsel for applicant argued as per his application and Ld.A.PP argued as per contents of her say. On perusal allegation against accused person when complainant and all relatives reached to the house of deceased, they found swelling on her forehead, head injury and black and blue marks on her neck. They inquired about the incident before the Panchayat of village and accused Gangadhar confessed that he pressed the neck and assaulted on head of by utensils due to which she fell down and died on spot. During further investigation other two accused were arrested. It reveals that allegation against applicant Rajkumar and other co-accused by making conspiracy commit the murder of deceased Kavita. Alleged offence i.e. U/s.302 and 120B of I.P.C. with other sections are very serious in nature. From record it shows that, applicant has played active role in the commission of offence as allegations against him is that he pressed the neck of deceased Kavita. From case papers, it shows that in all evidence of in all 14 witnesses is recorded till now and few witnesses remains to be examined. As such, on perusal of the case record it reveals that applicant is involved in the heinous crime. The offence punishable

U/s.302 and 120-B of I.P.C. are very serious in nature. Therefore, considering the nature of offence, severity of punishment in the event of conviction as well as involvement of present applicant, the possibility of pressuring the remaining prosecution witnesses and absconding of applicant/accused cannot be ruled out. This Court finds no merit in the application of the accused for bail. Enlarging the accused on bail at this stage would undermine the interest of justice and posed a risk to the fair progression of the trial. Now the case is fixed for evidence of remaining witnesses, therefore, I find no substance in the application and proceed to pass the following order.

ORDER

- 1 The Criminal Bail application (Exh.92) is hereby rejected.
- 2 The criminal bail application is disposed off accordingly.

[Directly dictated on computer and pronounced in open court.]

Date : 29.10.2025.
Chandrapur.

(Smt. I. A. Shaikh/Nazir)
Additional Sessions Judge,
Chandrapur.