

**IN THE COURT OF DISTRICT JUDGE-1 & ASJ, GONDIA.**

**SESSIONS TRIAL NO. 71/2020.**

(CNR: MHGO01000726-2020)

**STATE OF MAH.-Vs- ANKIT & OTHERS.**

**ORDER BELOW EXH. 13.**

(Passed on this 02<sup>nd</sup> day of February, 2021)

1] This is an application for grant of regular bail under section 439 of the Code of Criminal Procedure filed by applicant/accused No.1 **Ankit S/o Radheshyam Biranwar**, in connection with the crime No. 399/2019, for the offences punishable under sections 302, 201, 364(A) and 120-B of the Indian Penal Code, registered with Ramnagar Police Station.

2] As per prosecution case the present applicant/accused No.1 along with rest of the accused entered in the conspiracy to abduct deceased Saurabh Katare aged about 20 years from MIET College Kudwa for ransom of Rs. 30,00,000/-. The deceased was compelled to board in a car. He was assaulted in the car. He was subsequently killed and his body was disposed of in Bagh Nadi Mundipar. During the course of investigation a missing report of deceased was lodged and accused were found in connection with conspiracy and were arrested.

3] According to the present applicant/accused, he is innocent. He is young person taking college education and he has been in M.C.R. since before more than one year. It is

argued that that the prosecution story is based upon confessional statement contained in the FIR which is not admissible in evidence and case of prosecution is based upon circumstantial evidence. It is argued that there is no reason to detain the present applicant/accused any further considering his age. It is further argued that the investigation is over and charge-sheet is already filed and trial may take time, meanwhile, if the present applicant/accused is released on bail, he may abide by the conditions and will not tamper with prosecution evidence.

4] The learned DGP strongly objected the application. He has referred to the FIR. He has also referred to the statement of Anil and Govind. The learned DGP referred to the statement of present applicant/accused leading to discovery under section 27 of the Indian Evidence Act. He has also referred to the medical record and identification panchanama. The learned DGP referred to postmortem report showing that death is caused due to neck and head injury. He has pointed out that postmortem report referred nine grievous injuries found on the body of deceased. The learned DGP further submitted that the present applicant/accused is relative of deceased. He has further argued that the allegations being grave, the present applicant/accused should not be released on bail.

5] After going through the statement on record especially the statement recorded under section 164 of Cr.P.C. of Anil, it appears that said witness had seen the present applicant/accused in a car at the relevant time of crime. The circumstance brought and the material on record are strong enough so as to support the allegations against the present applicant/accused. Considering the manner in which the offence has been committed and manner in which the dead body of deceased was disposed of, it is apparent that the present applicant/accused along with other accused have entered into the conspiracy and committed brutal murder. Considering the gravity of offence likelihood of present applicant/accused pressurizing the witnesses being relative of the witnesses and considering the strong circumstances on record, I find that the present applicant/accused is not entitled to be released on bail. Hence, I proceed to pass the following order:-

**ORDER.**

1] The regular bail application (Exh.13) of the applicant/accused **Ankit S/o Radheshyam Biranwar**, filed under section 439 for grant of regular bail is hereby rejected.

Gondia.  
Dated:- 02/02/2021.

(U. B. Shukla)  
District Judge-1 & ASJ, **Gondia**.