



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
GONDIA.**

**S.T. No.128/2025.**

**[CNR NO.MHGO010019312025]**

**ORDER BELOW EXH.3.**

(Passed on this 7<sup>th</sup> January, 2026)

Present application is filed by applicant/accused by name **Kapurchand s/o Harichand Thakre** under Section 483 of B.N.S.S. to release him on bail in Crime No.418/2025 registered with Police Station, Dawaniwada for offence punishable under Sections 103(1) r/w section 3(5) of BNS. This is second bail application filed by applicant.

Brief facts of the case are as under:

2. Offence has been registered under section 103(1) of BNS on the basis of oral report lodged by one Sanjay Hiranman Gharde with police station Dawaniwada on 03-09-2025. As per informant on 02-09-2025 at about 10.40 pm he was passing by Salaitola to Raipur Road and he found one person lying on Tar-road near the farm of Dahake near village Raipur. Informant went near to said person and found that Hanaslal Bhandari was lying there and he found injury to his head and blood was oozing from said injury. Hanaslal was not making any movement. Informant got frightened he went to the house of Police Patil Bijewar and narrated about incident.

Police Patil called the brother and wife of deceased Hanaslal and narrated about incident to them. Thereafter, he along with Police Patil and family members of Hanaslal went to said place. The family members of Hanaslal also found that Hanaslal was not making any movement and they also tried to wake him but Hanaslal was not making any movement and it was found that he already died. Therefore, informant lodged report against unknown person raising contention that somebody had assaulted on the head of Hanaslal by means of sharp-edged weapon and caused his death. On the basis of said report offence vide Crime No.418/2025 has been registered with police station Dawaniwada. During investigation complicity of applicant revealed so he was arrested by the Dawaniwada police on 06-09-2025. Lastly applicant was remanded to Magisterial custody on 11-09-2025. After completion of investigation charge-sheet has been filed against the applicant and co-accused Omkar for the said offence.

3. Applicant submits that he has been arrested on 06-09-2025 and produced before court and taken in PCR. Thereafter he was remanded to Magisterial custody. Police completed investigation and filed charge-sheet. Applicant is innocent. He is falsely involved in the said case. He has not taken part in commission of offence. Applicant is sole bread earner of his family. Applicant is ready to abide any condition which will be imposed by this court. This is second bail application of the applicant. 1<sup>st</sup> bail application bearing

No.311/2025 was rejected on the ground that investigation is in progress. Applicant undertakes that he will not tamper with prosecution witness and will remain present in the court regularly. Therefore, requested for his release on bail.

4. I.O filed say vide Exh.5 and opposed application on the ground that applicant is prime accused in the crime and committed grave and serious offence. He quarreled with deceased Hanaslal on the ground of money and committed his murder by means of iron bar. In case of release of applicant on bail there is possibility that applicant will threaten witnesses and dissuade them from making statement. Applicant is habituated to commit offence. An offence was registered against applicant in Dawaniwada police station vide Crime No.14/2005 under section 354 of IPC. In case of release of applicant on bail, he will not remain present in the court. Therefore, requested to reject bail application.

5. Ld. DGP filed say vide Exh.6 and opposed application on the ground that applicant along with accused No.2 on the count of money beaten the deceased by means of hand, fist, iron rod and iron katya whereby he died on the spot. Offence is very serious. Weapon seized from the applicant as per statement of accused. There is ample evidence against him. He further submits that there is eye-witness who had seen the incident. In case of release of applicant on bail there is possibility of repetition of offence. Therefore, requested to reject bail application.

6. Wife of deceased Hanaslal Pache filed say vide Exh.7 and opposed the application on the ground that applicant Kapurchand Thakre had committed murder of her husband. Applicant is main accused. She resides along with her two small children. She is under mental stress. Therefore, she requested to reject bail application.

7. Perused record and proceeding of present case. Heard Ld. Advocate for applicant and Ld. DGP.

8. Previous bail application of applicant was rejected vide order dated 06-10-2025 passed in Misc Cri. Bail Application No.311/2025 when investigation was in progress and now after filing of charge-sheet, this 2<sup>nd</sup> bail application is filed. Therefore, I consider the same. Learned Advocate for applicant submits that eye-witness Prakash Madhu Sonwane is planted witness as his statement was recorded after 6 days of alleged incident. He also drawn my attention to the earlier statement of wife of Prakash Sonwane to point out that statement of Prakash cannot be relied. He further submits that even recovery of weapon shown to have been made on 11-09-2025 at the instance of applicant cannot be said to be genuine. It is pertinent to note that in supplementary statement Babita Prakash Sonwane has explained as to why she had made earlier statement before the police. Further Prakash Sonwane in his statement before police and also before Magistrate has stated about witnessing the said incident and attributed to applicant role of assaulting deceased Hanaslal by means of

hook and Katya. P.M report shows wound present over forehead of Hanaslal and his death was also caused due to head injury which is consistent with statement of said eye witness. Recovery of weapon of offence has been made at the instance of applicant. Although Learned Advocate argued that said recovery is doubtful but it is to be noted that disclosure memorandum proceeding and recovery of the weapon at the instance of applicant is video-graphed. So, at this stage it is not appropriate to doubt recovery of weapons made at the instance of applicant. It is settled law that while considering bail application mini trial cannot be conducted. Probative value of the material collected by the prosecution will be considered during trial. Offence is grave and serious. Applicant is prime accused as it revealed from the charge-sheet. Prima-facie there is material showing complicity of applicant in the present crime. Trial is yet to commence. Possibility of threatening witnesses cannot be ruled out particularly when applicant and witnesses are of same vicinity. In the facts of matter, it is not just to exercise discretion to enlarge applicant on bail. Hence, this order.

**ORDER**

- 1] Application [Exh.3] stands rejected.
- 2] Accordingly, application stands disposed of.

Date:07-01-2026.

(M. T. Asim)  
Additional Sessions Judge,  
**Gondia.**