



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

S.T. No.128/2025.
[CNR NO.MHGO010019312025]

ORDER BELOW EXH.9.
(Passed on this 8th January, 2026)

Present application is filed by applicant/accused by name **Omkar Chaitram Neware** 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.

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 did not respond. 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. It seems that considering the statement of witness Babita Prakash Sonwane applicant was arrested on 06-09-2025. After completion of investigation charge-sheet has been filed against the applicant and co-accused Kapurchand for the said offence.

3. Applicant submits that he is law abiding citizen. PSO Dawaniwada has registered an offence against unknown accused on the false complaint of informant. Applicant has been arrested on 06-09-2025 and produced before court and remanded to police custody. 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. 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.10 and opposed application on the ground that applicant has committed grave and serious offence. Applicant and co-accused quarreled with deceased Hanaslal on the ground of money and committed his murder by means of iron bar and iron Katya. In case of release of applicant on bail there is possibility that applicant will threaten witnesses and dissuade them from making statement. 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 on overleaf of present application and opposed application on the ground that applicant along with accused No.1 went to the house of deceased and caused injuries to his stomach and head. In case of release of applicant on bail there is possibility of his absconding and threatening witnesses. Therefore, requested to reject bail application.

6. Perused record and proceeding of present case. Heard Ld. Advocate Shri Rahangdale for applicant and Ld. DGP

7. It seems that applicant was arrested on the basis of statement of one Babita Prakash Sonwane who claimed in her statement dated 05-09-2025 about involvement of applicant in the said crime but in her supplementary statement dated 08-

09-2025 she stated that she has not witnessed the incident and under apprehension that her husband would be implicated she made earlier statement and she came to know about incident through her husband. While her husband Prakash Madhu Sonwane has not attributed any role to the applicant in commission of said crime. His statement is only shows his presence with him. His statement under section 183 of the BNSS only discloses that applicant accompanied with him and witnessed the incident but no role is attributed to him in commission of said crime. No other witness has attributed any role to the applicant. It appears that eye-witness Prakash Sonwane has attributed role only to co-accused Kapurchand and even recovery of weapons allegedly used in the crime has been made at his instance. Nothing has been recovered from the applicant to connect him with the said crime. Charge-sheet is already filed. Thus, investigation is over. It indicates that applicant is not required for custodial interrogation. Trial is yet to commence. 26 witnesses are cited. Completion of trial would take its own time. I above set of facts I am of the view that further incarceration of applicant is not require. Therefore, I am inclined to exercise discretion to enlarge applicant on bail. Hence, this order.

ORDER

- 1] Application [Exh.09] is allowed.
- 2] Applicant/Accused by name **Omkar s/o Chaitram Neware** be released on bail on his executing PR bond of Rs.30,000/-with one surety in like amount on the

following conditions;

- [i] Applicant shall not threaten or influence the informant or witnesses.
 - [ii] Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
 - [iii] Applicant shall attend concerned court regularly.
 - [iv] Applicant/Accused shall not commit offence of like nature.
- 3] Accordingly application stands disposed of.

Date:08-01-2026.

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