



CNR:MHLA010003752025

**ORDER BELOW EXH. 11 IN S.C.No. 26/2025**  
**(State Vs. Pandit Pawar)**

The applicant/accused Pandit Kundlik Pawar has filed this application for bail under Section 483 of B.N.S.S. for grant of bail.

2. Read the application and the reply filed by learned P. P. and the I.O. at Exh. 17 & 18. Heard learned counsel for accused and learned P. P. Perused the record of the case.

3. The accused is facing trial for offence under Section 103 and 238 of B.N.S. 2023. The informant Pandurang Gore has lodged the FIR on 27.10.2024 stating that his wife's brother Laxman Subhash Gajghate was suffering from jaundice and he was taking treatment from Shivankhed. For the second dose of the medicine he had come to Latur to his house on 24.10.2024 from Mumbai. He was addicted to liquor and the concern doctor was not providing treatment to person consumes liquor. Therefore, they had tried to convince him not to drink liquor. On 26.10.2024 he had been to Indapur as substitute driver. Laxman left his house around 4.00 p.m. He used to leave the house and return on next day. Therefore, the informant and his wife thought that he will return on next day. On 27.10.2024 around 7.30 a.m. he received a Whatsapp video of a semi-burnt dead body. He suspected that the dead body might be of Laxman and called his wife and shown the video. His wife identified Wrist Watch and shirt of the deceased and identified that it is the dead boy of Laxman. Therefore, they went to police station and then to Civil Hospital and saw the

dead body of Laxman in semi-burnt condition. Thereafter, he lodged report in respect of commission of murder of Laxman by unknown person by means of throwing stone on his head and setting fire the dead body in order to destroy the evidence. In the course of investigation police visited the spot of incident and prepared spot panchanama, inquest panchanama, police found CCTV footage in the CCTV camera installed at Hotel Yashraj Idli Center and the presence of accused in the night on the spot of incident on 27.10.2024 during 3.25 to 3.34 hours was captured in the CCTV camera. Police arrested the accused. Police recovered the mobile phone of the deceased as per the disclosure statement of the accused under Section 27 of the Evidence Act, recorded statement of the witnesses and after completion of investigation submitted charge-sheet against the accused.

4. Learned counsel for accused has submitted that the accused has been falsely implicated in this case. There is no direct or circumstantial evidence to connect the accused with the alleged incident. The spot of incident is situated on Latur-Barshi main road. But no witness is forthcoming to show that anybody had witnessed the incident. There is no witness from the nearby M.J. Hospital and the CCTV footage of the said hospital has not been collected. There is no any eye witness of the incident. There is no evidence to show that the deceased and accused were known to each other and the accused was lastly seen together with the deceased. The investigating officer has tried to show that the incident took place for the reason of place of sleeping, but there is no any statement of anybody in respect of the motive behind the offence. The metallic neckless and digital watch of the deceased was on the body. Therefore, motive of offence for the purpose of taking away the valuables

of the deceased is not possible. The CCTV footage after 5.00 a.m. is not collected by the I.O. The accused has been arrested only on the basis of suspicion. The alleged recovery of mobile is from public place. The investigation is completed and the charge-sheet is filed. The accused is ready to obey the orders of the Court and he has no criminal antecedents. He is a poor person collecting scrap material. Therefore, he prayed for grant of bail to the accused.

5. Ld. P P has strongly opposed the application on the ground that the accused assaulted the deceased by means of stone on his head and committed his murder and tried to destroy the evidence by setting on fire the dead body. The presence of accused on the spot of incident in the night has been captured in the CCTV footage and the CCTV footage has been collected in the course of investigation. The mobile phone of the deceased has been recovered as per the disclosure statement of accused under Section 27 of the Evidence Act. The case is based on circumstantial evidence. The case is a brutal murder of deceased and setting on fire the dead body in order to destroy the evidence. If the accused is granted bail, there is every possibility of his abscondence and commission of another offence and tampering with the witnesses. Therefore, the Ld. P.P. prayed for rejection of the application.

6. I have gone through the record of the case. Perusal of the charge-sheet it shows that the case is of brutal murder by assaulting the deceased by means of stone on his head and setting on fire the dead body in order to destroy the evidence. The dead body was found in semi-burnt condition. The P.M. Notes shows head injuries with displaced fracture of skull. The cause of death is head injury and the burn injuries are shown to be post mortem. According to prosecution the accused was captured in the CCTV footage on the spot of incident in that night, and the I.O. has

collected the CCTV footage of Hotel Yashraj Idli Center. According to investigating officer, the mobile phone of the deceased has been recovered as per the disclosure statement of the accused under Section 27 of the Evidence Act. The incident was occurred in the night. The case is based on circumstantial evidence. The offence is serious anti-social offence of commission of murder and destroying the dead body by setting fire. There is prima facie evidence against the accused in the form of CCTV footage and recovery of mobile of the deceased at the instance of accused. Therefore, considering the gravity and seriousness of the offence if the accused is granted bail, there is every possibility of his abscondence and commission of another offence, tampering of prosecution evidence and prosecution witnesses. Therefore, considering the seriousness of the offence and the evidence on record, the accused is not entitled for grant of bail. Therefore, the bail application deserves to be rejected. Hence I proceed to pass the following order.

**ORDER**

The application is rejected.

(Dictated and pronounced in the open Court).

**( R.B.Rote )**

**Date:- 05.03.2025.**

Additional Sessions Judge, Latur.

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"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".

(Hariba R. Shinde)  
Stenographer (Grade-1)  
NAME OF STENOGRAPHER

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| Name of the Judge (With Court Room No.) : | Shri R. B. Rote, Additional Sessions Judge, Latur |
| Date for pronouncement of Judgment/Order: | 05.03.2025  |
| Judgment/Order signed by P.O. on:         | 05.03.2025  |