

MHND010016752025 	<u>IN THE COURT OF ADDITIONAL SESSIONS</u> <u>JUDGE-1, NANDED</u> SESSIONS CASE NO. 107/2025 State – Vs – Vaibhav
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ORDER BELOW EXH. 2

The applicant has filed this application for grant of bail U/s. 483 of Bharatiya Nagarik Suraksha Sanhita, in Crime No. 54/2025 of Vimantal Police Station for the offence punishable U/s. 103 (1) of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred as 'BNS').

2. Applicant by this application has contended that, the report is lodged against him only on basis of circumstances. Nothing is recovered from the applicant. He is innocent and has not committed any crime. The charge-sheet is filed and there is variation in the statement of witnesses. There is no eye witness of the case. He is ready to abide terms and conditions imposed on him. He has no criminal antecedents. So, it is prayed to allow the application.

3. The Ld. APP has contested this application by filing say vide Exh.4. It is contended that, the offence charged is serious in nature. There is sufficient material on record to show involvement of the applicant in the crime. The applicant had motive to commit the offence as there was some money dispute between the applicant and victim. Moreover, soon after the incident the informant has seen the victim on the spot. If, applicant is released on bail he is likely to pressurize the witnesses and tamper with the evidence. Hence, it is prayed that application be rejected.

4. Heard Ld. Adv. Mr. R.V. Kamble for the applicant and Ld. APP Smt. Battula for State. They have argued as per their line of contentions in the application and say respectively.

5. Gone through the report. It is alleged by informant who is mother-in-law of victim that, on 15.02.2025 at about 4.00 p.m she had been to house of her son at Laxmi nagar, Nanded to met her grand children. At that time she saw that, applicant came out of their house. She tried to stop the applicant and went inside the house. She saw that, her grand son was crying in bedroom and near him her daughter-in-law Kalpana was lying motionless. She tried to wake her up but her daughter-in-law had not responded her. Therefore, with the help of neighbour she took her daughter-in-law in auto to Vazirabad hospital where she was declared dead. Hence, on count of previous dispute as applicant has committed murder of her daughter-in-law by strangulating her. Hence, the report.

6. The main ground on which applicant is claiming bail is that, there is no direct evidence to show involvement of the applicant in the crime, but the entire case of the prosecution is based on circumstantial evidence. Also, investigation in the crime is completed and applicant is behind the bar since near about one year. Per contra, according to prosecution there is prima facie sufficient material on record to show involvement of the applicant in the crime.

7. Considered the rival submission. Moreover, from perusal of the report prima facie it can be seen that, the informant has seen the present applicant while leaving their house and thereafter she had seen dead body of her daughter-in-law. So, prima facie there is sufficient material at this stage to show the involvement of the applicant in the crime.

8. The charge-sheet is before the court, from perusal of the same it can be seen that, the scarf by which the applicant has strangled the victim is recovered at his instance and memorandum panchnama is prepared to that effect. Also, the clothes of the applicant used in the crime are seized and forwarded to C.A. The postmortem report shows cause of death of victim due to ligature constriction of neck etc. So, prima facie there is sufficient material on record to show involvement of the applicant in the crime.

9. The crime is registered against the applicant under Section 103 of B.N.S. Act the punishment provided for the same which is imprisonment of death or life imprisonment. So, considering the same and gravity of the offence, it will not be justified to consider the request of applicant. Also, the apprehension of prosecution that if applicant is released on bail he might tamper with evidence cannot be ruled out as applicant and witness are from same vicinity. So, in view of above discussion I proceed to pass following order-

ORDER

Application is rejected.

sd/-

(R.M. Shinde)

Additional Sessions Judge-1,
Nanded.

Date : 14.10.2025

CERTIFICATE

I affirm that the contents of this PDF judgment /order are same word to word as per the original order.

Name of the Stenographer :- Muley S.M.

Court Name :- Additional Sessions Judge -1,
Nanded

Date :- 14.10.2025

Judgment/order signed by

the Presiding Officer On :- 14.10.2025

Judgment/order uploaded on :- 15.10.2025