

MHND010023752020



ORDER BELOW EXHS.2 & 4
State Vs Sushil & Ors.

1. Perused the applications and say filed by the learned APP at Exh.11. Heard learned counsel for the applicants and learned APP. I have also gone through case record.

2. The applicant contended that, the offences punishable under Sections 302 and 201 read with section 34 of IPC and under Section 3/25 and 4/25 of Arms Act were registered vide Crime No. 252/2020 with police station Vimaltal against them on allegation that on 03-08-2020 they committed murder of deceased Vicky Chavan, the brother of the informant Manjusha Chavan alongwith co-accused. The applicants contended that the police arrested them on 04-08-2020 and since then they are in jail. They contended that the principal accused Kailash Biganiya and other 11 co-accused were arrested by the police in this crime. The juvenile accused in said case is already released on bail. They having immovable property at Nanded. This is their second bail application and their first bail applications were rejected on 11.09.2020. on the ground that investigation is in progress. They are ready to abide by the terms and conditions of the bail. Hence, they may be released on bail.

3. The learned APP submits that, the offence committed by the applicants is serious. He contended that the applicants in collusion with the co-accused committed murder of the deceased. According to him the

applicants are habitual offenders and criminal cases pending against them in Courts. The applicants are likely to pressurize the witnesses and may likely to commit similar offence, if released on bail. They also likely to aid the other suspected accused and involve in hampering and tampering of evidence, if released on bail. Hence, the applications may be rejected.

4. The offence committed by the applicants is very serious in nature. In said case they gave dash to the motorcycle of the deceased from behind and thereafter, committed his murder by using deadly weapons like sword, dagger and pistol. In fact, eye witness saw that one four wheeler gave dash to the motorcycle at spot and after inflicting blow by deadly weapons and by firing pistol, the dead body of the person driving the motorcycle was taken away in four wheeler. There is also evidence that even on dead body of the deceased the blows of dagger and sword were inflicted, which shows utter act of vengeance by the applicants and co-accused. The injuries were caused on vital part of the body of the deceased i.e. on head, neck and abdomen. The recovery of mobile phones of the applicants were made on the basis of their disclosure statement, wherein the photographs of dead body of the deceased was taken. It appears that the murder was committed as part of gang war. In such circumstances if the applicants released on bail they likely to tamper the evidence, may commit similar type of offence and also likely to aid the suspected accused. Hence, in such circumstances they are not entitled for bail. In result, I pass the following order.

ORDER

The applications for bail at Exhs. 2 and 4 are hereby rejected.

(K.N.Gautam)

Date : 22-12-2020.

Additional Sessions Judge-2, Nanded

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word, as per the original order.

1. Name of the Stenographer:- D.G. Pathak, Steno Grade-I
2. Court Name :- Court of Addl.Sessions Judge-2,
Nanded
3. Date of :- 22-12-2020
Order signed by the
Presiding Officer on :- 22-12-2020
4. Order uploaded on :- 22-12-2020