

**IN THE COURT OF SESSIONS JUDGE, NAGPUR.**

(Presided over by S.T. Bhalerao, A.S.J.-6)

**Sessions Trial No. : 146 of 2017.**

**Applicant** : **Sagar @ Daddu s/o Prakash Pujari,**  
Aged about 22 years, Occupation : Private,  
R/o Bhande Plot, Nagpur.

**V E R S U S**

**Non-applicant** : **State of Maharashtra**  
Through Police Station Officer,  
Police Station Ajni, Nagpur.

**ORDER BELOW EXHIBIT 19**

(Passed on this 12<sup>th</sup> day of December, 2017)

This is an application for grant of regular bail filed by the applicant/accused named Sagar @ Daddu Prakash Pujari under Section 439 of the Code of Criminal Procedure, 1973, in Session Trial No. 146/2017 arising out of Crime No. 86/2016 for the offence punishable under Sections 302 read with 34 of the I.P.C. registered at Police Station Ajni, Nagpur.

2] It is submitted that the applicant/accused No. 1 has been falsely implicated in the crime. Two co-accused have been released on regular bail by this Court. The accused is in the jail for a year. The accused is permanent resident of Nagpur and is peaceful and law abiding person. In the identification parade, two main witnesses did not identify this accused. No other evidence is also there so strong to clearly point out accusation against this accused. The accused is entitled to be enlarged on bail. He is ready to abide by the terms and conditions if imposed.

3] The learned A.P.P. opposed the application by his say on the overleaf of the application contending therein that there is material evidence against the applicant including C.C.T.V. Footage. The applicant has been identified by the identification parade. Specific role of the applicant is assigned. The witnesses have stated about his involvement in the crime. The accused caused multiple injuries to the deceased. Considering all these aspects, the application be rejected.

4] The learned Advocate for the applicant submitted that main two witnesses have not identified the accused in test identification parade. Another accused came to be enlarged on bail. This accused is entitled to be enlarged on parity.

5] The learned A.P.P. submitted that the role of this accused is different than that of the co-accused Akash who came to be released on bail. Recovery of weapon which was used in the crime by this accused came to be recovered from another accused Shubham. This accused inflicted knife blows to the deceased.

6] I went through the charge-sheet. It is seen that the role of this applicant/accused is mentioned in the charge-sheet. He is stated to be the main accused. This accused, another accused and a juvenile-in-conflict with law are stated to have assaulted the deceased by means of fist blows. This accused is stated to have been inflicted knife blows on the stomach and on forehead of the deceased and to have killed him, while the deceased was trying to flee. Against the present accused, there are direct witnesses about his involvement in the crime. A knife by which this accused allegedly

assaulted the deceased came to be recovered at the instance of another accused. This accused has been identified in the test identification parade, though not by all the witnesses. C.C.T.V. Footage is there in respect of the crime against this accused.

7] The co-accused Akash is not stated to have inflicted any injuries to the deceased. His role is stated to have taken away the accused persons on his bike after occurrence of the incident. No weapon is stated to have been recovered at his instance. No witnesses are stated to have made statement that the said Akash was seen inflicting the injuries to the deceased. Thus, the role of said Akash cannot be said to be similar to that of the present applicant/accused who is stated to be the main accused, therefore, he is not entitled to claim the parity.

8] The offence is very serious – a murder, in which this applicant's role is stated to be prominent in assaulting the deceased at the time of incident. There are eye-witnesses of the incident. The possibility of tampering the witnesses cannot be ruled out on the released of this accused. There is a *prima facie* material against the applicant/accused. Though the charge-sheet has been presented, that itself does not entitle the accused release on bail. Another accused Shubham's bail application came to be rejected, whose role is not as serious as this accused's is. Hence, the following order.

**ORDER**

**The application (Exh.19) is rejected.**

Nagpur.  
Dated : 12.12.2017

( **S. T. Bhalerao** )  
Additional Sessions Judge-6, Nagpur.

**C E R T I F I C A T E**

I affirm that the contents of this PDF file Order are same word to word, as per the original Order.

Name of Stenographer : P.K. Tambe