

ORDER PASSED BELOW EXH.04
(Passed on 15-07-2023)

1] This is an application preferred by accused Amar Vijay Bhardah (Bhardwaj) for releasing him on bail under Section 439 of the Code of Criminal Procedure, 1973. Prosecution has filed its say at Exh.05 and raised objection to this application. It is the contention of prosecution that accused there are four eye witnesses whose statements are recorded u/s 164 of Cr.P.C. Weapons in the alleged offence are recovered. Accused also sustained scratch injuries in scuffle with victim. Therefore bail application may kindly be rejected.

[2] Heard Adv. Shri. A. P. Wagh for accused and Shri Ajay Mahurkar APP for State. Perused record.

3] In this case, alleged offence against accused is punishable under Sections 302 of the Indian Penal Code and Section 135 of the Maharashtra Police Act. The maximum punishment prescribed for alleged offence is death or imprisonment for life.

4] In this case, investigation is completed and charge sheet is being filed against accused. Accused is arrested on 9/03/2023. Investigation papers on record show that Investigation officer has seized weapons used in the alleged offence from the spot of incident i.e. house of accused and victim. Postmortem report shows that deceased victim sustained seven deep injuries on head, face,

forearms, shoulder. There is specific opinion given by Medical officer in P.M. note that injury no.1 and 2 mentioned in column 17 along with its corresponding internal injuries mentioned in column no.19 were sufficient in the ordinary course of nature to cause death of victim. The cause of death mentioned in said report is head injury. Statement of eye witnesses namely Kanak Amar Bhardwaj and Vaishnavi Amar Bharadwaj who are daughters of accused and victim are prima facie supporting prosecutions case. Investigation officer has recorded statements of both said eye witnesses u/s 164 of Cr.P.C. Statement of witness Smt. Janki Vijay Bhardwaj the mother of deceased and statement of Arvind Motiprasad Gupta are also prima facie supporting prosecutions case. In this case accused himself went to police station and informed about alleged offence committed by him. So, considering all above stated reasons and as prosecution is having strong prima facie case, it will not be just and proper to release accused on bail at this stage.

5] Hence, I proceed to pass the following order-

ORDER

Bail application at Exh.04 is hereby rejected.

Nagpur.
Date : 15/07/2023

(R. S. Patil-Bhosale)
District Judge-13 and Additional
Sessions Judge, Nagpur.