

**IN THE COURT OF AD-HOC DISTRICT JUDGE-4 & ADDITIONAL
SESSIONS JUDGE, NAGPUR**

(Presided over by A. P. Kulkarni)

S.T. No. 637 of 2022

CNR Number : MHNG010103352022

Crime No.429/2022

**State of Maharashtra
V/s.
Rahul Bodkhe and others**

Prajwal S/o. Dilip Ghaghre,
Aged 24 Years, Occ: Mechanic,
R/o. Mauza Dharti, Tahsil Karanja Ghadghe,
District Wardha.

... Applicant

Order below application, Exh.27
(Passed on 23.03.2023)

Applicant/accused filed this application for bail under Section 439 of the Criminal Procedure Code, in Crime No. 429/2022, for the offence punishable under Section 302, 364, 120-b, 201 r/w 34 of the Indian Penal Code.

02. According to applicant, case of prosecution is that, one boy namely Jitendra informed that he saw two bodies in the river of Vena. Hence, police officer rushed on the spot and taken out the bodies from the river. In investigation it is found that, names of deceased were Uttam Bodhke and Savita Bodhke. In investigation it reveals that, accused no.01 had a conspiracy with other accused persons including present applicant to eliminate the deceased persons. Hence, police arrested accused and filed charge-sheet.

03. Case of applicant/ accused that, he is falsely implicated in present case. No role attributed. Applicant/accused is in jail from 22.07.2022. Applicant/ accused is arrested only relying on confessional statement. Hence, he prays for release him on bail.

04. I.O. and learned APP filed say and came with case that, applicant/ accused is having active role in commission of offence. He drove Tavera vehicle. At the time of kidnapping victim he was with other accused persons till hiding the bodies in river. Applicant/ accused was with other accused. If applicant/ accused released on bail, he may tamper evidence which hamper the case of prosecution. Hence, pray for rejection of application.

05. Having heard, the following points arise for my determination together with my findings thereon for the reasons recorded below :-

Sr.No.	Points	Findings
01.	Whether the applicant/ accused is entitled for anticipatory bail ?	In negative
02.	What order ?	As per final order

REASONS

06. Heard learned counsel for the applicant and learned APP and I.O.

As to Point Nos. 01 and 02:-

07. Case of applicant is that, there is no evidence against the accused/ applicant. Applicant/ accused is innocent. He is arrested only on confessional statement of other accused persons. He is falsely implicated in this case. On the contrary by going through charge-sheet, applicant is driver of Tavera vehicle and four accused were in Tavera. They kidnapped victims, killed them, tied hand and legs of bodies and hided bodies in river. By this way, they tried to destroy evidence. Role of accused/ applicant was that he was driver of Tavera Car. In this case no eye witness is on record. Witnesses are residing in locality where applicant/ accused is residing.

08. Considering above fact, if applicant/ accused released on bail, probability that he may tamer witnesses, which hamper case of prosecution. Hence, not proper to release accused on bail. Hence, I answer Point No.01 in negative and in answer to Point No.02, I pass following order :-

S.T. No. 111/2023

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ORDER

Application is rejected.

Nagpur
Dated : 23.03.2023

(A. P. Kulkarni)
Ad-hoc District Judge-4 and
Addl. S.J., Nagpur.