



In The Court of Additional Sessions Judge-6, Nagpur.

Presided over by
Shri. P. M. Nagalkar.

Session Case No.484 of 2024.
CNR No: MHNG010104732024.
Crime No.241 of 2024, P. S. Parshivni.

State of Maharashtra.
(Through P.S.Parshivni.)

V/s

Jageshwar Vitthal Thakre and ors.

Applicant/Accused : *Gnyaneshwar @ Nana Sahadeo Chawhan.*

Order below Exh.4
(Date: 4th November 2024.)

1. This is an application for issuance of directions as applicant/accused *Gnyaneshwar @ Nana Sahadeo Chawhan*, be released on bail, U/Section 483 of Bhartiya Nagarik Suraksha Sanhita. Applicant/accused booked in Crime No.241 of 2024, for the offences punishable U/Sections 302, 201 r/w 34 of the Indian Penal Code and Section 4/25 Arms Act.
2. Perused the application along with documents annexed here with and say/report filed at Exh.5 of Investigating Officer/APP. Heard both the sides at length.

3. In the light of this facts emerged, submissions by the parties and material on the record, the following points arise for determination before this Court. The said points and the findings thereon which follow the reasons as:

Point For Determination.

Sr. No.	Point	Finding
1.	Whether the applicant/accused <i>Gnyaneshwar @ Nana Sahadeo Chawhan</i> , made out the case as to issuance of direction as to be released on bail, in the given set of facts?	...Yes.
2.	What order?	...Application allowed as per final order.

REASONS

As to the point no.1:

4. The applicant came with case that the applicant Gyaneshwar Sahadeo Chawhan, is no more concerned with this crime and merely on suspicion, he had been implicated and arrested. Nothing have been seized from him and none of the witness had stated anything incriminating against him. The charge-sheet already been filed and at the most allegations as destruction of evidence that too without any base. Hence, in this backdrop it is submitted that the application be allowed.
5. On the other hand Learned APP opposed this application on the ground that there is allegations as caused disappearance and destruction of evidence and therefore, he had committed overt act. The offence is serious and if released on bail possibility of tampering of evidence and witnesses cannot be ruled out. Hence, claimed that the application be rejected.

6. At the outset it appears that the charge-sheet filed and the applicant arrested on 01/07/2024 since then he is in custody. Now no further custodial interrogation is necessary.
7. The allegations as inferred from the FIR that complaint lodged by Khushal Namdeorao Thakre, father of the deceased Nitin on 26/06/2024. *Inter alia*, it is contended that his daughter in law was pregnant and hence, deceased took her at Hospital at Nagpur and admitted on 25/06/2024. At around 12.00 noon hours wife of deceased called the informant and asked to her daughter and her mother to bring at Hospital. As such he took them proceeded from Hospital by that time Nitin came there and they went along with Nitin and he returned back.
8. Deceased Nitin left Hospital at around 2.35 pm and left his daughter at place of his sister Vinita at around 4.30 and then again left Hospital on the pretext that he was going to his in laws' house at Kamptee, but thereafter he did not turn up. In the evening the informant called his brother in law of the deceased who told that he left Kamptee at around 7.30, but on that day he did not turn up.
9. On 26th in the morning at about 8.30 am he had been told by one Naresh Dhone, that his son Nitin lying with serious injury on his neck and his vehicle bearing No. MH-49-A-7571. He immediately went to spot where police and other people were already present and found Nitin was dead. Hence, he lodged complaint accordingly.
10. On this count investigation was made and it was revealed that during investigation and from CDR he had quarreled on account of liquor with accused No.1 and 2 at their Dhaba. Both the accused No.1 and 2 arrested and on the basis of memorandum of statement made by

them the alleged weapon was seized and it was revealed that accused No.1 and 2 had assaulted deceased by means of knife and Bamboo stick on his head and then both took him for vehicle and left at the place. The motive or reason for his death during quarrel the deceased allegedly told that he refused liquor then would face dire consequences as earlier he had put set on fire at his Dhaba.

11. There is no allegations against the applicant. Even, statement of witness recorded before the Magistrate as one of the witness who told that deceased came on 25/06/2024 at Jogeshwar Thakre Dhaba i.e. accused No.1 and then there was quarrel between them. Hence, he immediately came out side and look back Nitin was found on floor. The accused No.1 came out side and asked his help, but he immediately refused and left the place.
12. Now statement of co-accused there is no material as against the applicant. Even, no seizure have been made either from his presence or at his instance. Even last seen deceased not stated by any of the witness as with the applicant. Hence, merely he was working as employee at Dhaba he had been arrested. The allegations and evidence prima facie as against the accused No.1 and 2.
13. Since, the offence of murder Section 302 of the IPC is punishable, therefore, the offence is non bailable and punishable with death or imprisonment for life. Hence, as made out the case as there is no reasonable ground of his involvement. Prima facie from the record there is no direct evidence against him. The statement of co-accused and other evidence as discussed above is question of fact.
14. Hence, it is fit case to exercise the discretion of bail as no further custodial interrogation is necessary as he is ready to abide by any

condition if released on bail. Hence, the finding of point no.1 is recorded as '**Affirmative**'. Consequently, proceed to pass following order.

ORDER

1. Application is allowed.
2. Applicant/accused *Gnyaneshwar @ Nana Sahadeo Chawhan*, be released on bail, on executing Personal Recognition for bond of Rs.1,00,000/-(Rupees One Lakh only) with solvent surety in the like amount, in Crime Register No.241 of 2024 (S. T. No.484 of 2024) of Parshivni *Police Station*, for the offence punishable U/Section 302, 201 r/w 34 of the Indian Penal Code and Section 4/25 of the Arms Act, subject to following conditions :-

1. *The applicant shall not tamper with the evidence and the witnesses, in any manner. Further, the applicant is directed shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.*
2. *The applicant shall not commit the similar offence of which he is charged.*
3. *Applicant is further directed as to submit complete address proof of his own and as well as two those persons who are related to him.*
4. *Applicant/accused shall remain present on each date of proceeding.*

Dictated and pronounced in open Court.

Date : 4th November 2024.

(Pramod M. Nagalkar)
Additional Session Judge-6, Nagpur