

Order below Exh.3 in Sessions Case No. 864 /2019

1] Applicant- Kiran Ashok Shinde has filed this application for bail under section 439 of Cr.P.C. in connection with CR No. 249/2019 registered with Chandannagar Police Station, Pune, under sections 302 of IPC and u/s 37(1) r.w. 135 of Bombay Police Act.

2] It is the case of the prosecution that accused was having one sided love with one girl Veena Patale. But Veena was having love affair with her colleague Samadhan Thorat. Accused having suspicion about her love affair. Hence from last six months he was under impression that he has been cheated by Veena. Therefore, on 11/6/2019 at 22.00 hrs at Chandannagar near signal of water tank near compound of tin sheets situated inside of service road of Pune-Nagar road accused made assault on Veena by means of knife. He gave repeated blows on her right shoulder front and back side, left hand, chest, stomach and face and murdered her. Therefore, on the complaint of complainant this offence came to be registered under section 302 of IPC and 37(1) (135) of Bombay Police Act. Applicant was arrested on 12/6/2019. Initially he was remanded in PC. Now he is in Magistrate Custody.

3] Adv. for applicant in his argument stated that this is an accused and deceased were working in two different companies. Complainant is friend of accused. After getting knowledge of death of deceased accused tried to commit suicide. Police alleged that he

has posted a post on social network ie. facebook that he had killed her . But there is no merit in that contention. It is not shown by the police that from whose mobile phone from which account that post was sent by him on social network. Police did not seize that mobile phone. Mandatory compliance of 65-B of Evidence Act is also not made. CA report of seized clothes is not filed on record. Actually accused was not present at the spot of incident at the time of crime. He was arrested subsequently. He is ready to observe the conditions of bail. His further detention in the jail is not necessary. Hence, he may be released on bail.

4] Ld APP strongly opposed this application. It is her contention that offence is serious. It is punishable upto death or life imprisonment. There are eye witnesses to the incident. During investigation weapon of offence ie. knife was seized from the possession of accused in pursuance of information given by him u/s 27 of Evidence Act. CA report is positive. PM report also supports prosecution case. There is statement u/s 164 of Cr.P.C. There is no delay in filing FIR. Post posted on facebook is a material evidence against accused. Certificate u/s 65B is filed on record. Prima facie case is made out. Hence, this application may be rejected.

5] During investigation clothes of accused, deceased and complainant were seized. Weapon /knife was also seized at the instance of accused u/s 27 of Indian Evidence Act. Accused medically got examined and sample of his blood was taken.

Accused had shown the shop from which he has purchased two knives. Statement of that shopkeeper was also recorded. There is statement of witness Samadhan Thorat. In his statement he has stated that how deceased started working in the company where he was working, how she came in contact with him, she told to him about breakup with accused. Thereafter accused was insisting to meet him and making allegations and having suspicion about his affair with deceased. He had instigated sister of deceased and other family members against Samadhan Thorat. This witness also clarified to the accused that he has no other relations with Veena. His statement clearly show that accused was having strong suspicion against him for having love affair with Veena and motive to commit murder of deceased. CA report shows that blood group of deceased was 'B' and blood of her blood group was found on her clothes and on knife seized from the possession of accused u/s 27 of Indian Evidence Act. Accused attempted to commit suicide and before that he has sent one post from his mobile phone as suicide note and its contents also speaks against him. Complaint of complainant and statement of witness Samadhan Thorat prima facie clearly speaks against him. Post mortem report of dead body of deceased shows that she sustained as many as 15 injuries. Many out of them are incised wounds and stab injuries on the vital part of the body. Thus, prosecution has made out prima facie case about involvement of accused in committing brutal murder of deceased for doing break-up of relations/affairs with him. Under these circumstances, mere filing of charge sheet is not sufficient ground to release this accused on bail. No case made out for grant

of discretionary bail. Hence, I pass following order.

ORDER

Application is rejected.

Pune.

Date:- 13/02/2020.

(S.S.Gosavi)

Additional Sessions Judge,
Pune.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file judgment are same word for word as per original Judgment.

Name of steno	:	V.A.Nagarkar, Stenographer (Grade-I)
Name of the Court	:	Shri. S. S. Gosavi, District Judge - 4 & Additional Sessions Judge, Pune
Date of Order	:	13.02.2020
Order signed by P.O. on	:	13.02.2020
Order uploaded on	:	14.02.2020