

Sessions Case No. 55/2023**ORDER BELOW EXH.2**

The accused who is charge-sheeted by the Chakan police station after completion of investigation in Crime No. 1782/2022, for the offence u/sec. 302 of Indian Penal Code, has filed this application for grant of bail as per Section 439 of Criminal Procedure Code.

2] It is contention of accused that he is innocent and has not committed any offence and he has been falsely implicated on suspicion. The informant came to know about the incidence on 20/11/2022 and accused was arrested on 22/11/2022. Therefore, there is gap of two days, between the death of deceased and arrest of accused. The disclosure statement of the accused is not sufficient to connect him with the alleged incidence as it is weak type of evidence. He is behind bars since last 11 months. The witnesses are not the eye-witnesses. There is no evidence of illicit relations between deceased and accused. The case of prosecution is based on circumstantial evidence. There is delay in lodging FIR. There is no prima facie case against the accused.

3] The prosecution filed the reply at Exh.3 and opposed this application on grounds that, the accused has committed serious crime of murder and there is sufficient evidence against him, the deceased and accused were seen together while going by walk towards the place of incidence in CCTV footage. The tower location of mobile of the deceased and accused show that they

were within limits of same mobile tower location. One stone and one knife are seized from the place of incidence. The sandle of the deceased came to be seized at the instance of accused and there are statements of witnesses regarding relations between accused and decesed.

4] Heard both sides. Perused investigation papers.

5] On perusal of investigation papers, it appears that initially crime was registered against unknown person. One knife and one stone were seized from the place of incidence and there were blood stains on knife and stone. The postmortem report shows that incise wound was found over the right thumb and other multiple injuries. The age of injuries was within 24 hours. The dead body was found on 20/11/2022 and postmortem was carried out on 21/11/2022. During the course of investigation, one CCTV footage, from CCTV camera of one provision store within the vicinity of place of alleged incident was obtained wherein one person and one woman are appearing while going by walk. According to prosecution, they are accused and deceased. There are call detail records on mobile number in the name of the deceased and accused. Therefore, it appears that the deceased and accused were together within the vicinity of the place of alleged incidence. The statement of witnesses show that the deceased was resident of Usmanabad District. The accused is also resident of Usmanabad District. Therefore, after considering the facts and circumstances, the accused cannot be released on bail.

Therefore, the application is liable to be rejected. Hence, I pass following order:

ORDER

- 1] Application is rejected.
- 2] The copy of order and copies say of Investigating officer and Ld. APP be provided to the accused through the Jail Authority.
- 3] Inform to the concerned police station.

Khed.

Date: 27.12.2023

sd/-

(S.P. POL)

Special Judge,

Khed-Rajgurunagar, Dist. Pune.

CERTIFICATE

“ I affirm that the contents of this PDF file are word to word as per the original order.”

Name of the Steno	:	S.S. Gadkari (Grade I)
Name of the Court	:	Shri. S.P. Pol
		District Judge 2 & Additional Sessions
		Judge, Khed-Rajgurunagar, Pune
Date of Order	:	28/11/2023.
Order signed by PO on	:	28/11/2023.
Order uploaded on	:	29/11/2023.