

ORDER BELOW EXH.4.

(State Vs. Vishnukumar Manoj Saha)

1. Applicant / Accused Vishnukumar Manoj Saha filed this bail application U/Sec. 439 of Cr.P.C. for grant of regular bail in Crime No.1029/2022; for the offences punishable under Sections 302, 452 of the IPC, registered at Chakan Police Station.

2. It is the case of prosecution that, informant Hiramatidevi Saha lodged report that, at the time of incident she was residing at Chakan and working in Minda Auto Company. The applicant/accused was also residing in front of their building. On 26.06.2022 at about 6.30 a.m. she and her husband left the home for work and her daughter was alone in the house. On that day at about 11.00 a.m. she received phone call of her sister and asked her to come. The informant reached at home and saw that, people gathered in front of her home and her daughter was laying in the pool of blood. After inquiry with her niece Anshika she told that, when she went to tell the deceased that water tanker has come and for asking the bucket. The door was closed from inside. She knocked the door. As there was no response from inside, she opened the window and saw that applicant/accused was inside and was removing scarf wrapped around the neck of daughter of informant and covered her body with that scarf. Accused opened the door and made gesture to keep quite to Anshika. He further told her that her sister died and do not tell to anybody about it. He also told her not to tell about it to the mother of deceased otherwise she will take him to police station. The accused by leaving his foot ware ran away from that. Anshika told it to Laxman Babu. The informant felt that due to previous quarrel with the applicant, he committed murder of her daughter. Hence, the report.

3. The applicant/accused submitted that, he has no any motive or intension to commit the offence. He has been implicated in this offence due to love relation with the deceased and parents of deceased were against that relation. Due to torture and resistance for marriage deceased committed suicide. He was arrested on 26.06.2022 and since then he is in jail. Investigation is completed and charge-sheet has been filed. He will abide the conditions imposed by the court and will not pressurize the witnesses. Finally, he prayed for allowing the application.

4. The learned advocate for the applicant relied on the following judgments --

[1] Nitin Digamber Kothawade Vs. The State of Maharashtra, Cri. Appeal No.229/1997 dated 16.04.2015,

[2] Shivaji Chintappa Patil Vs. State of Maharashtra, Cri. Appeal No.1348/2013 and

[3] Subhash Tukaram Hanwate Vs. State of Maharashtra, Cri. Appeal No.600/2014

5. The learned APP filed say and strongly resisted the application by submitting that offence is of serious in nature. In the house of complainant accused committed murder of deceased by throttling. There is eye witness to the incident. PM report shows that death caused due to throttling. At the instance of applicant Odhani was recovered. There is prima-facie case against the accused. If the applicant is released on bail, he will pressurize the witnesses. Finally, it is prayed to reject the application.

6. Perused the application and say submitted by learned APP. Heard learned Advocate for applicant and learned APP for the State. I have also gone through the charge-sheet and the documents therein. I have also gone through the judgments cited by both the parties.

7. The entire case is based upon circumstantial evidence. The girl Anshika only saw the applicant inside the room while removing scarf from the neck of the deceased and while putting the said scarf on her person. This is the only evidence against the applicant. The applicant seems to be young aged about 20 years. The deceased was also aged about 19 years at the time of death. It appears that all of them were residing in the same vicinity and their houses were close to each other. The medical report shows cause of death due to asphyxia caused by throttling. However, this opinion is required to be scrutinized at the time of evidence. The FIR appears to have been lodged due to suspicion that on account of previous dispute in respect of payment by supervisor.

8. The investigation is completed and charge-sheet has been filed. Considering the huge pendency of under trial matters and old matters it is clear that in near future in the present matter cannot be concluded. The accused seems to be too young. There appears no any direct evidence of motive. Therefore, considering the nature of accusations and material collected by investigating officer, age of applicant, period of his detention and the fact that in near future, matter cannot be concluded and disposed of hence, I am of the opinion that, the present applicant is entitled for grant of regular bail. Hence, I pass the following order.

ORDER

1. Application stands allowed.

2. Applicant / accused Vishnukumar Manoj Saha of Crime No.1029/2022; for the offences punishable under Sections 302, 452 IPC registered at Chakan Police Station, shall be released on furnishing personal bond of Rs.25,000/- with one or two sureties in the like amount.

3. The applicant shall not pressurize or induce the informant and witnesses. He shall not tamper with the prosecution evidence and shall attend the trial regularly, unless exempted for some reasons.

4. The applicant shall produce his permanent address proof and his Adhar Card and Voter ID Card and his contact number. He also produce copy of his ration card.

Khed.

Date: 23.01.2023

(A.M. Ambalkar)

Additional Sessions Judge,
KhedRajgurunagar, Dist. Pune.