

:: Order Below Exh.4 ::

1. Application is filed by the accused u/s.439 of Cr.P.C. for the offence punishable u/s.302 of I.P.C. vide C.R.No.9/2022 of Kolad Police Station.

2. The accused has come with the contention that, the complaint was came to be lodged with the contention that, some unknown person committed the murder of the daughter of the Rama Ganu Waghmare the complainant. It is also contended that, the accused had love relations with the deceased, therefore complaint was came to be lodged on account of suspicious. The complaint is false. The accused is behind the bar since last 8 months. He is only earning member of his family. He was doing labor work. After release on bail will not tamper with the prosecution evidence and abide by the conditions imposed by the Court.

3. On the other hand prosecution has filed its say below Exh.7 with the contention that, the offence is of serious nature. Police has recorded memorandum and discovery panchanama dated 17/02/2022 at the instance of the accused. The Police has attached clothes of the deceased under the panchanama, it has blood stains. The accused has purchase the weapon used in the commission of offence from Mangesh Hiranman Salunkhe.

Looking to the seriousness of the offence the prosecution has prayed to rejected the application.

4. Heard learned advocate for the accused Mr. Deshmukh. He has submitted that, the complaint is filed on account of suspicion of the father of the deceased Revati. The accused and the family member of the deceased were on enemical term. Therefore the complaint was come to be filed. Accused has not committed any offence. He is the only earning member in his family. He is behind the bar since about last 8 months. Therefore prayed that accused be released on bail.

5. On the other hand Ld. A.P.P. for State has submitted that, name of the accused appeared in the FIR, the Police have recovered the weapon used in the commission of the offence from the accused. Police has seized the clothes from the accused which were on his person at the time of commission of offence, it had blood stains. Clothes are referred to C.A. The report of C.A. is awaited, therefore he opposed the bail application.

6. On perusal of petition as well as say filed by the prosecution and on hearing both the sides. Peruse the charge-sheet, more particularly F.I.R. dated 15/02/2022. It shows that, deceased was the daughter of the complainant. Her marriage was performed with one Nitin Pawar, she has two sons from him. Thereafter the husband of Revati, Nitin Pawar addicted to

liquor, she left him and she was residing along with complainant. The complainant is her step father. Thereafter Revati developed love relations with the accused. Even the complainant had invited the accused and gave understanding to keep himself away from Revati. However his relations continued.

7. The complaint further shows that, on 14/02/2022 Revati was not found. Complainant inquired with his wife in that regard, even he took her search. Thereafter at about 6.00p.m. the complainant learned from Sakshi Datta Waghmare that, the dead body of Revati is lying behind the bungalow of Shelar. Complainant go there and found that, she had multiple injuries on her person.

8. Peruse the inquest panchanama as well as P.M. report it shows that about 10 injuries are found on the person of deceased Revati. His probable cause of death is shown Hemorrhagic shock due to multiple stab injuries and the death is unnatural. Peruse memorandum panchanama and discovery panchanama dated 17/02/2022, it shows that, the weapon used in the commission of the offence is recovered by the Police at the instance of the accused as well as the clothes which were on the person of the accused at the time of commission of offence are also recovered, it has blood stains. The clothes are referred to C.A., report from C.A. is awaited.

9. Thus it is seen that, even the Police has recorded the statement of one Mangesh Hiranman Salunkhe it shows that, accused had purchase the knife from his shop. He had identified the said knife which was recovered by the Police at the instance of the accused.

10. The offence is of serious nature, the injuries reflected in P.M. notes are of stab and of grievous nature, multiple injuries are caused by accused to deceased Revati. Under such circumstance prima facie it appears that, there is strong evidence against the accused. Hence, I pass the following order.

:: ORDER ::

1. The application stands rejected.

Mangaon.
Dt.: 20/12/2022

(T. M. Jahagirdar)
Additional Sessions Judge, Mangaon,
District Raigad.