

CNRMHSIo10009142025



ORDER BELOW EXH No. 3
IN SESSIONS CASE No. 68/2025

(State v. Prem Bahadur Bisht @ Jasi Layram Darji)

1. This bail application is filed in Crime No. 134 of 2025 registered at Deogad Police Station for the offence punishable under sections 103(1) and 212 of the Bharatiya Nyaya Sanhita, 2023 (the “BNS”).
2. Perused relevant papers from the case file, the contents of the bail application, and the say of the State. The case is pending in this very court under Session Case No. 68 of 2025.
3. Heard.
4. Ld advocate for the applicant submits on the lines of the grounds for bail mentioned in application Exh 3. I have perused those grounds. Those are not repeated here for the sake of brevity.
5. The applicant has also sent a letter Exh 5 pleading his innocence, through the jail authorities. This letter is perused by me.

6. Ld ADPP submits on the lines of State say Exh 5 and Police Say report Exh 6.
7. My observations are as follows.
8. There is extra judicial confession allegedly made by the applicant to a person whose statement is recorded by the police. That person states that the applicant told him that he killed his wife and sought help to carry the dead body. However, it can be said that, extra judicial confession is not admissible. The prosecution has to prove its case beyond a reasonable doubt de hors such extra judicial confession. Be that as it may.
9. It is pertinent to note that there is even the section 23 (proviso) BSA, 2023, panchanama in which there is discovery and recovery of the murder object by the applicant.
10. It is reported by the Investigating Officer that, the accused did not tell his real name during investigation and he told different names at different times. Not only this the accused did not give any information of any relative or regarding the exact place of his residing.
11. The prosecution has argued that the applicant hails from Nepal. This is admitted by the defence. The prosecution and the IO are having apprehension that considering the nature of crime, seriousness of crime, original place of the accused, the circumstantial evidence against the accused

and the tendency of the accused to hide his real information, there is likelihood that the applicant may abscond forever.

12. Ld advocate for the applicant informed that the applicant has three minor daughters, who are kept, at present, in a Bal Sudhargruha in Sawantwadi. Ld advocate submits that if the applicant is released on bail, these three minor children shall get support of the father.
13. The investigating Officer submitted that one relative is traced out from Karnataka, who is being contacted so that, he/she would take care of the three children. It may be noted that this is not mentioned in the police say or state say. May be that was an incidental reply to the argument of the Ld advocate regarding the three daughters.
14. The Ld ADPP also invited my attention to inquest panchanama and the postmortem report which show that the wife of the applicant was killed in a very brutal manner. Ld ADPP submits that this shows the level up to which the applicant can reach.
15. After having considered the arguments and various situation surrounding the bail application, in particular, the suspicious environment created regarding his own identity by the applicant, and considering the overall evidence on the record, I do not feel this is a fit case to release the accused on bail. The only best option is to expedite the

trial.

16. The Ld ADPP is directed to give a programme for examination of witnesses, preferably on day to day basis, so that the trial can be expedited. With these directions I am rejecting the bail application.

ORDER

The bail application (Exh 3) is rejected.

Place: Sindhudurg at Oros

(Dr Sudhiir M Deshpande)

Date: 12.12.2025

Sessions Judge
Sindhudurg at Oros

All concerned to act upon digitally signed uploaded copy of this order, the printout of which can be verified from the official website of this court. In this regard attention of all concerned is invited to the authority of the Hon'ble High Court of Bombay (Bench at Aurangabad) ***Shital Krushna Dhake v. Krushna Dhake***, MANU/MH0285/2018.