

**Order passed below Exh.04 in Sessions Case No.76/2022****CNR Number:MHSN040008932022**

(State of Maharashtra Vs. Ganesh @ Barkya Madhukar Chavan, etc.2 )

Accused No.1 has filed this application for grant of bail under Section 439 of the Code of Criminal Procedure in Crime No.98/2022 registered at Kasegaon Police Station for offences under Section 302 read with 34 of I.P.C. Accused was arrested on 31/05/2022 and thereafter, he was remanded to Magisterial custody.

2) It is the case of prosecution that, complainant Prakash Hindurao Salunkhe has lodged report on 31.05.2022 and contended that, on 30/05/2022 his mother and son Pravin were present in his home. At about 06.00 p.m. His son Pravin left the house. When he was sitting near the grocery shop of Sardar Mulla, he saw that his son was talking with his friends. At the time of dinner, his son did not come, therefore he again went to the shop of Sardar Mulla. But, he was not present there. He slept at about 10.15 p.m. At about 02.00 p.m. he got up for natural call, but his son was not returned. On the next day his nephew Subham Salunkhe came to his house and asked, whether his son has returned ? He narrated that, his son, accused and Ganesh Pethkar were quarreling in front of wine shop of Pradip Chavan at 09.00 p.m. After some time, one of his relatives telephoned Shri. Ashok Salunkhe and informed that, his relative was found dead near the Ghogavati stream, Wategaon. Surekha Salunkhe informed him about the said information. Therefore, he alongwith his family members went to Ghogavati stream at 09.00 a.m. and saw the dead body of deceased Pravin. He was assaulted prior the death. Therefore, he lodged the report against unknown persons.

3) The learned Advocate for applicant has submitted that applicant is labour. He is innocent and falsely implicated in this crime.

Applicant has not committed any offence. Prima-facie there is no case made out against the applicant. There is no specific over acts attributed to the accused to attract the provisions of the offences alleged. The investigation is completed and charge-sheet is filed. Nothing remained to be investigated or interrogated. Applicant is permanent resident of Wategaon, Tal.Walwa, Dist. Sangli. He is law abiding person. His family is depending on him. He is ready and willing to furnish surety and ready to abide all such terms and conditions as may be laid down. He is arrested on 31/05/2022 and thereafter he is in MCR. Therefore, accused prayed that he be released on bail.

4) The Investigating Officer through the learned A.P.P. has filed say at Exh.6 and opposed the application on various grounds and contended that offence alleged is of serious in nature. If accused is released on bail, he will not remain present for dates and there is possibility of tampering with witnesses and repetition of similar offence. He has murdered son of complainant on account of trifle reason. If He is released on bail, there will be possibility of threatening eye witnesses. Therefore, application be rejected.

5) Heard learned APP for State and learned counsel for applicant/accused and perused application, say of learned APP, and police papers on record.

6) It seems from record that, the alleged offence is relating to murder. Considering the nature of offences, it appears that he is likely to abuse discretion granted in his favour by committing the offence of similar nature. There is material to show that applicant will use his liberty to subvert justice or tamper with the evidence. I found substance in the apprehension raised by the Investigation Officer that there is likelihood of tampering with prosecution witnesses and evidence by applicant, if he will be released on bail. Therefore, the possibility of

tampering with the evidence cannot be ruled out. In the circumstances of the case and considering the above reasons, in my opinion, this is not a fit case to release the applicant on bail. Therefore, applicant is not entitled for bail. Hence, following order is passed.

**ORDER**

Application is hereby rejected.

(Jayshri M. Pardeshi)  
Additional Sessions Judge, Islampur.

Date : 01/10/2022.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer	: J. R. More, Steno, (Grade-I)
Court Name	: Adhoc District Judge – 1 & Addl. Sessions Judge, Islampur.
Date	: 01/10/2022.
Signed by P.O. on	: 01/10/2022.
Uploaded on	: 01/10/2022.