

Order below Exh.03 in Sessions Case No.158 of 2021**(Sachin Pratap Malve Vs. State of Maharashtra)****(CNR : MHST01-002059-2021)**

Accused No.2 has prayed for regular bail. He is in judicial custody in connection with C.R.No.462/2020 registered with Shahupuri Police station for the offence punishable under sections 302 r/w 34 of the Indian Penal Code, 1860, (in short IPC).

02] According to the applicant, he has been falsely implicated. FIR is hearsay. There is no eye witness of the alleged incident of murder. There is no evidence in the form of last seen together. There is no direct evidence about the involvement of the accused No.2. Nothing has been recovered from him. The earlier interim bail application on the ground of spread of Covid-19 has been rejected before filing of the charge-sheet. Now on the basis of changed circumstances, this application has been filed. Investigation of the crime has been completed and charge-sheet has been filed. Custodial interrogation of the applicant has been completed. Applicant No.2 will not abscond, will not tamper with the evidence and will cooperate the investigation officer. He is the only bread earner of the family. He has shown his readiness to abide conditions imposed by this Court. Therefore he has prayed for bail.

03] The application is resisted by the prosecution by filing say on its overleaf. It is stated that the offence is serious in nature. The name of applicant / accused is stated in the FIR. The

circumstances connect the applicant with the alleged crime. During investigation, prosecution has collected sufficient material against the applicant/accused. Mere filing of the final report is not ground for bail. The informant, applicant/accused and the prosecution witnesses are residing in same area. If the applicant is released on bail, he will tamper with the evidence. Hence it is prayed to reject the bail application.

04] Heard Ld. Adv.Shri. Panhale for the applicant/accused and Ld. Addl. P.P. Shri. Shaikh for the State. Adv.Shri. Panhale submitted that interim bail application forwarded by the applicant /accused through jail authority has been rejected. Now the charge-sheet has been filed. The alleged murder was committed on road which is very busy, still there is no eye witness. There is no evidence in the form of last seen theory. There was no previous quarrel. Hence there was no motive to commit the murder. There is no direct or circumstantial evidence. No case is made out against the applicant /accused. Therefore he prayed for bail.

05] Per contra, Ld.Addl.P.P. Shri. Shaikh submitted that the deceased was running a shop. The applicant and co-accused demanded eggs on credit. On refusal, there was quarrel. When the informant went to his house, the co-accused called him at the shop by stating that lock of the shop was open. The applicant /accused was seen near the spot at an odd hours of the day. Considering the gravity and serious nature of the offence and the fact that the witnesses are residing in the same area, he prayed to

reject the bail application.

06] The FIR is registered by the wife of deceased on 19/12/2020. It is alleged that the deceased left to his shop on receiving phone call. He told his wife that he will return after putting lock to the shop. She came to know that there was quarrel on 18/12/2020 at about 9-45 p.m. between the accused and the informant on account of giving eggs on credit. Therefore she lodged report against both the accused including the applicant.

07] During the course of investigation, the I.O has seized clothings of the applicant / accused on 19/12/2020. It is seen from the seizure panchanama and the letter issued to FSL that the cloths of the applicant / accused were having blood stains. It is pertinent to note that the cloths are immediately seized on 19/12/2020 at about 10 to 10-30 a.m. The report of FSL is awaiting. Considering the serious nature of the offence, prima facie involvement of the applicant / accused in the alleged crime and possibility of tampering with the prosecution evidence, I am not inclined to grant bail. Hence I pass the following order.

ORDER

The application is hereby rejected.

Satara.

Date: 25/04/2022.

(S.R.Pawar)
**Addl.Sessions Judge,
Satara.**

Dictated on	25/04/2022
Typed on	25/04/2022
Checked on	25/04/2022
Signed by A.S.J. on	25/04/2022