

S.T. No. 07/2016
Order On Bail Appln. Below Exh. 5
Dated : 23-03-2016

1. This is an application filed by the applicant/accused Indrajit @ Chinya for releasing him on bail under section 439 of Cr.P.C. in an offence punishable under section 302 r/w 34 of IPC registered with PSO, Wardha vide Crime No. 479/2015.
2. Perused the bail application, say filed by the prosecution. Heard learned counsel Shri. U. P. Kashikar for the applicant and learned PP Smt. A.H. Sabane for the prosecution. Reply of prosecution, it reveals that on 15.09.2015 reporter Jitendra Meshram had been to Ballharsha for some work and his grand-mother Janabai (now deceased) was alone in the house. At about 11.30 p.m. two boys were speaking in loud voice in front of the house of reporter, therefore, Janabai objected them. Both these boys assaulted Janabai by kick and fist blows. On next day, Janabai was admitted in the hospital and on 18.09.2015 Janabai succumbed to internal injuries. According to prosecution, at the same time, Sk. Naushad Sk. Usman, Guddu Tiwari and Akshay Shambharkar were chit-chatting in square. At the same time, they heard screaming of Janabai and saw that two boys i.e. Akshay @ Chikky and Indrajit @ Chinya were coming from her house and they ran away. Therefore, Sk. Naushad and his friends went to the house of Janabai and saw that Janabai was lying down near the door of her house, thereby admitted Janabai in the hospital.
3. On perusal of charge-sheet, it appears that report was lodged on 09.10.2015 whereas according to the prosecution, incident is of 15.09.2015. Therefore, there is delay in lodging FIR, statement of Sk. Naushad and dying declaration of deceased Janabai shows that involvement of accused in the incident on statement u/s 27 of Indian

Evidence Act serves of accused. There is direct evidence available against the applicant, merely because delay in lodging FIR, can not itself the ground of grant of bail. Hence, following order.

Order

The application at Exh.5 is rejected.

Wardha
Dt.23.03.2016

(A.M.Chandekar)
Addl. Sessions Judge, Wardha

C E R T I F I C A T E

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

Name of Stenographer	...	G. A. Umate, Steno.(L.G.)
Court	...	District Judge-1 & Additional Sessions Judge, Wardha
Date	...	10/12/15
Order signed by the Presiding Officer	...	11/12/15
Order uploaded on	...	11/12/15