

1 Sessions Case No.75/2024,
Order below Exh.5

Sessions Case No.75/2024
State v. Vijay Khenkale
CNR No.MHWS010013712024

Order below Exh.5

This is an application filed by the applicant/accused for grant of regular bail under section 483 of BNS in connection of C.R.No.194/24 registered at Shirpur police station for an offence punishable under section 302, 307, 504, 506 of I.P.C.

2. The applicant/accused submitted that there is delay in lodging the FIR. Applicant/accused is not having criminal antecedent. He is permanent resident of Waghi Khurd, Tq.Risod, Dist.Washim. Charge sheet has been filed against the applicant/accused. There was delay of 5 months 1 day for committing the case from the date of filing of charge sheet. The applicant/accused was in judicial custody without any judicial process. The applicant/accused is Karta of his family The applicant/accused was not absconding. He is in custody from last 8 months. He is ready to abide by all the terms and conditions imposed by the court. He will not tamper the prosecution witnesses. Hence, applicant prayed for grant of regular bail in connection with crime No. 194/24 registered at Shirpur police station.

3. The investigating officer submitted say at Exh.6 and resisted the application on the ground that the accused has committed serious crime. The husband of informant was expired in the said incident. The deceased was senior citizen. But accused with the intention to commit his murder inflicted blow by means of axe on head and caused injury. One crime is registered against the applicant/accused

at police station. The applicant/accused may tamper the prosecution witnesses if released on bail. Offence is serious in nature. Lastly, I.O. prayed for rejection of application.

4. The original informant also filed reply to the bail application at Exh.10 and resisted the application. The accused is trying to put pressure upon him. The offence committed by the accused is serious in nature. There is apprehension of tampering of the witnesses. Hence, informant prayed for rejection of the application.

5. Heard learned advocate C.R.Deshpande for applicant/accused and learned APP P.S.Dhoble for prosecution.

6. Perused the contents of the application and say filed by the I.O. as well as informant. By this application the applicant/accused prayed for grant of bail. I.O. and informant strongly objected the application.

7. At the outset it is to be noted that this is the second bail application preferred by the applicant/accused after filing of charge sheet. In this case charge sheet has been filed against the accused on 30/07/2024. The applicant/accused filed criminal bail application No.222/24 before Hon'ble District Judge 1 Washim. After hearing both sides my learned predecessor rejected the application of applicant/accused on 06/09/2024. Criminal bail application No.222/24 was rejected by the court after filing of charge sheet. This is the second bail application preferred by the applicant/accused. In my view after rejection of first bail application there was no change in circumstances.

Therefore, applicant/accused is not entitled for grant of bail.

8. In the present case the offence under section 302 and 307, 504, 506 of I.P.C. is registered against the accused. I have gone through the F.I.R. In F.I.R. the name of applicant/accused is mentioned. In F.I.R. there are specific allegations against the applicant/accused that on 30/04/2024 the deceased had gone at the house of accused at village Waghi Bk. but the accused inflicted blow by means of axe on the head of deceased and attempted to kill him. The deceased was shifted to the Nagpur hospital and during treatment he died. Thus, in F.I.R. there are specific allegation against the accused that he attempted to kill the deceased. Due to assault by accused deceased died. Thus role of applicant/accused is specifically mentioned. In view of role of accused in crime, he cannot be enlarged on bail.

9. In the present case during the course of investigation, the I.O. has recorded the statement of the witnesses namely Prakash Jadhav, Baban Thakre, Akash Jadhav, Panchafulabai Tekale and Vishnu Chonde. These witnesses in their statement specifically stated that the accused assaulted to the deceased by means of axe on head and committed his murder. I.O. also recorded the memorandum statement of accused at Exh.47 and on the basis of memorandum statement the axe was seized under panchanama. Thus, weapon used in the crime is recovered at the instance of accused. The P.M. of dead body was also conducted and in P.M. report the cause of death is shown as head injury. In column no.17 of P.M. report shows 9 injuries caused to the deceased. Thus, prima facie in the form of charge sheet there is sufficient material on record about the involvement of applicant/accused in the crime. Therefore, he cannot

be granted bail.

10. In the present case, the charge is framed against the accused on 10/01/2025. My learned predecessor had recorded the evidence of 13 witnesses. Matter is part heard one. As matter is part heard one and pending for recording of evidence of remaining witnesses, it is not proper to grant bail to the accused because there is possibility of tampering of witnesses.

11. In the present case, the offence under section 302 of I.P.C. is registered against the accused. The offence under section 302 of I.P.C. is punishable with death or imprisonment for life. In my view the offence is very serious in nature. The gravity of the offence cannot be under estimated. Therefore, the accused is not entitled for grant of bail.

12. Considering the nature of the offence and the role played by the accused in the crime I am of the view that accused is not entitled for bail. Therefore, this application for bail is liable to be rejected. Hence, I proceed to pass following order.

ORDER

- 1] Application filed by the applicant/accused below Exh.5 in Sessions Case No.75/2024 stands rejected.
- 2] Case is expedited.
- 3] Order accordingly.

Date: 24/07/2025
(A.S.Salgar)
Additional Sessions Judge, Washim.

CERTIFICATE

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

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Shri. A.S.Salgar, Adhoc District Judge-1 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 24/07/2025
dictated on	:- 24/07/2025
typed on	:- 24/07/2025
checked on	:- 25/07/2025
Judgment/Order signed by the Presiding Officer on	:- 25/07/2025
Judgment/Order uploaded on	:- 25/07/2025