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*Sessions Case No. 17/2025.
Sunil Meshram V/s. State.
(CNR No-MHYA-010004722025)*

-: ORDER BELOW EXH - 03 :-
(Delivered on this 07th Day of May 2025)

1. Accused/applicant Sunil Meshram moved this court vide Sections 483 of Bhartiya Nagarik Suraksha Sanhita, 2023, seeking Regular bail.
2. *Post* filing of the final report vide section 193 of the BNSS, the accused herein invoked jurisdiction of this Court with instant application. He is engulfed in the office punishable u/s 103(1), 351(3) of the BNS. When the case is stand over for further due deliberation the applicant accused herein knocked the door of this Court and implored for his release on suitable bail.
3. Perused application and say filed on behalf of prosecution below Exh.03.
4. It is urged in FIR that deceased was father of the informant who are neighborer of the applicant accused. The father of the informant used to go to his field daily from 8 PM till morning for supervising the field. The father of the informant and his relative made encroachment and constructed their house. Owing to said encroachment there were discord cum disputes *inter-se* the deceased and the family of the applicant wherein cross complaints were placed by them with police station. Even there is civil dispute pending between the parties. On account of said disputes, the applicant and his father always used to quarrel with the deceased. In the backdrop, on 11/11/2024 at 8 PM the father of the informant as usual went to his field for supervising purpose. Meanwhile the applicant came near the house of the informant and

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threatened him of dire consequences if civil disputes are not withdrawn. He also gave death threats to the life and limb of the deceased. Shortly he went away. He was carrying A *Bhonga and Battery* with him. On next day, the deceased did not return from the field therefore the informant went to their field to see what has happened. Reaching there, to his utter shock and surprise, he found his fathers dead body lying in the field. He also found *Bhonga and Battery* of the applicant lying near the dead body. The death was reported to the police. Amid inquiries, it was revealed that the applicant accused brutally assaulted the deceased and caused his death. Post P.M. report was procured and meanwhile, detailed report was placed with the police.

5. With all above allegations, crime was registered and post investigation, the accused has been charge-sheeted before this Court. The accused claimed that he is ready to co-operate in the trial. Investigation is completed and thus he be conferred with the bail. On other count, the prosecution raised stiff objection. According to them, serious offence is alleged against the accused. There are eye witness to the incident. Major role is attributed towards him. In the event, the accused is not entitled for bail and thus it be rejected at the threshold.

6. Heard learned advocate *Mr. S.M.Ali*, for the accused applicant and learned APP *Mr. M.S. Gangalwar* for the prosecution, at length. I have pore over entire record minutely.

7. Scanned application, say and objections raised by the prosecution. Offence punishable under section 103(1), 351(3) of the BNS is alleged against the accused applicant. It contemplates death penalty. Indeed, it is serious offence in the nature. Now, the charge-sheet is placed before the Court and the case is stand over for further trial, wherein present applicant has prayed for his release on suitable bail.

8. Having explored entire case papers, it seems that there is no single eye witness of the incident. The whole case is based upon circumstantial aspects. Admittedly, there were disputes *inter-se* the deceased and the accused person over an encroachment issues, wherein cross complaints were lodged by the parties with police station. Even there is Civil dispute pending between them. Thus one thing is certain that the relations within them were not cordial and the discord plays vital aspect in the same. It is urged that on the fateful night the applicant met the informant and he gave death threats to the life and limb of the deceased if civil disputes are not settled. On very next day dead body of the deceased was found in his field where he regularly visits for supervising the field. Certainly, this aspect is within the knowledge of the applicant accused. Statements of the witnesses reveals that earlier night the applicant has threatened the informant as narrated in FIR. As per record, the *Bhonga and Battery* allegedly seen with the applicant was found nearby the dead body of the deceased. Those articles are duly seized by the police and sent for forensic evaluation. They are duly identified by the witnesses. Most significantly, amid investigation, the IO employed Dog Squad wherein the police Dog ran towards the house of the applicant and thereby cloths of the applicant were seized from his home showing as highly incriminating substance in the evidence. To add, the accused is lastly seen giving death threats to the deceased before the informant in the fateful night. He is under obligation to give justification and unfold the personal knowledge as regards to the incident is concerned. He should have justified where he had been and where he was for the whole fateful night, but it is not done so far. No suitable explanation is offered by him. Admittedly, the same *Bhonga and Battery* seen with applicant is seized and shown as material incriminating substance. PM report reveals that the death of the deceased has occurred homicidal owing to the head injury. Whole record shows the motive as

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well as intention behind the ill act to eliminate the deceased. The role attributed towards him is important. The FIR states specific role of the accused. The chain of circumstances is primarily visible from record and thus at the moment, it is no desirable to enlarge the accused on bail. No doubt, it is not the stage to consider merits or demerits of the case and whether such chain of circumstances are proved or not. It would be decided conclusively at the end of the trial. *Prima-facie* involvement of present accused in alleged crime is visible.

9. *Apogee* of all above circumstances I believe at present there is no specific reason to enlarge accused upon bail. Although charge sheet is filed, but that does not mean, it is the only criteria to decide application seeking regular bail. The alleged offence is serious and contemplates death penalty for the same. The chain of evidence is unfolded before the Court. More so, at present there is likelihood that if applicant/accused is released on bail there would be chances of impediment in the trial. In the eventualities the accused do not deserve bail **at the moment**. Hence, the order.

ORDER

Application stands rejected.

Date : 07/05/2025.

(Amit Anant Laulkar)
Additional Sessions Judge,
Yavatmal.