

Order Below Exh.15
[Passed on 08th day of April, 2026]

1. By this second application, accused is seeking bail under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023. The accused came to be arrest on 12/11/2024 in connection with Crime No.584/2024 registered with Police Station, Kalamb, Dist. Yavatmal for the offence punishable under Sections 103(1), 351(3) of Bharatiya Nyay Sanhita, 2023.
2. The crime is registered on the basis of report lodged by complainant for the allegations that on the informant resides with his family and having 16 Acre agriculture land. The father of the informant used to go to the field daily from 08.00 p.m. to morning for supervising their field. Narayan Mahadev Meshram and Shriram Anand Meshram made encroachment in their field and constructed their houses. Therefore, they have filed one civil case in the Civil Court of Kalamb and it is pending. On dated 11.011.2024 at 08.00 p.m. the father of the informant went to the field and informant was present in the house. At that time accused Sunil came near his house and exclaimed the words from the road that "we have been asked to move out of our place and a case has been filed against us in Court, so we always have to go to Court, does this land belongs to your father, if you do not withdraw the case, I will kill your father in the field

and rape your wife” At that time, he had a red coloured horn which is used in the filed and battery in his hand. Thereafter, at about 08.30 p.m. the accused again saw towards informant by anger and he was having red coloured horn and battery and proceeding towards field. On the next morning sister Sumitra Kasar and niece Vaishali were seating near the burning woods and father did not returned from the field. Therefore, informant and his wife went to the field to see his father but his found was not found. Therefore, they returned from the field. Again, informant went to his field and he found that, father is lying dead in the field in the cotton crops and he was having injury to his head, ear, mouth. He also saw the red coloured horn and battery which was in the hand of accused Sunil also lying there. Therefore, informant lodged the report. After the report was lodged as usual the investigation was carried out and during investigation it transpired that the allegations in the complaint were well founded. Therefore, after completion of investigation the charge-sheet was filed before the Judicial Magistrate First Class, Kalamb.

3. In term, after compliance of formalities the matter was committed to the Court of Sessions, further the matter was allotted to this Court for trial. On going through the record it appears that the accused was arrested on 12/11/2024 and since he is in custody.
4. The accused is coming before this court for grant of bail on the ground that the investigation is completed and

the charge-sheet is filed. He has no criminal antecedent. The FIR appears to be concocted one the complainant has concealed the real incident. The accused is innocent and falsely implicated in this crime. The said case is totally based on circumstantial evidence and there is no any eye witnesses. Mere founding of horn and flashligh near the dead body, it does not mean he committed this crime. Further, the trial is yet to be commenced and likely to take considerable time to conclude. The fundamental right of the accused is infringed.

5. The learned APP had filed reply vide Exh.16 inter alia contending that the offence is serious one. The intention of the accused clearly shows that the accused wants to commit murder of deceased. During investigation, it reveals that, accused assaulted deceased with the help of stone on his head and other parts of the body. The Postmortem Report shows that there were many injuries and the cause of death is shown as head injury. The circumstances near the deceased clearly shows involvement of the accused. Prima-facie involvement of accused is well founded. The possibility of tampering the witnesses cannot be ruled out. On these grounds she opposed the bail.
6. The informant has filed reply vide Exh. 17 and reiterated the contents of report. He further stated that the accused murdered his father on the dispute of land. The civil case against the accused is pending in the Court. The accused has threatened to kill him, if the accused is released

on bail and again committed same crime against his family members. Therefore, he prayed to reject the bail application.

7. Heard the learned counsel for the accused. He reiterated the grounds as stated in the application and further contended that the accused is falsely involved in the matter. The investigation of crime is completed. Nothing is there to keep him behind bar. The trial will take its own time. The main witnesses are interested witnesses therefore, the aspect of tampering will not be there. Therefore, he prayed to grant bail.
8. The learned APP has strongly opposed the bail application on the ground that the crime committed by the accused is serious, in nature. The possibility of giving threatening and repeating the crime in this matter cannot be ruled out. The possibility of tampering cannot be ruled out. As the offence is serious one and the crime committed is of brutal nature, releasing the accused on bail will have impact on the trial. Therefore, requested to reject the application.
9. After going through the charge-sheet placed on record, it appears that the accused have committed this serious offence. Prior to assault to the deceased, there was dispute between the accused and deceased on the count of land. The Civil case is pending in the Court. Therefore, in my view, the involvement of the accused in the crime is prima-facie seen. Considering the gravity of the offence, the present accused has committed crime. It shows mindset of the present

accused to commit the crime. This shows the brutality of the accused to commit the crime.

10. The witnesses in the present crime residing in the same village therefore, the possibility of the threatening and tampering to the witnesses can not be ruled out. After going through the entire charge-sheet, it appears that the murder appears to be cold blooded and therefore, at this stage, releasing the accused on bail in the society will not served the purpose of giving liberty to the accused, when the crime is such a nature. Therefore, in my view, accused is not entitled for grant of bail.

11. So far as the contents of the counsel for the accused to the extend that the trial will take time, this fear of the counsel for the accused can be taken care by expediting the present matter. Already charge-sheet is filed. So also, charge is framed. Accordingly, I proceed to pass following order.

ORDER

The application is rejected.

Dated :08/04/2026.

(Shekhar C. Munghate)
Sessions Judge, Yavatmal

Certificate

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

Name of Stenographer :- R.S. Wanjari.
Stenographer Grade I.
Court name :- Principal District & Sessions Court,
Yavatmal.
Date :- 08/04/2026
Judgment signed by
Presiding officer on :- 08/04/2026
Judgment uploaded on :- 08/04/2026

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