

**IN THE COURT OF SESSIONS AT YAVATMAL**

**S.T. No.58/2023**

**CNR No.MHYA010008062023**

**State Vs. Gajanan Rathod**

**Order Below Exh.3**

**[Passed on 26<sup>th</sup> day of June 2023]**

**[Dictated and Pronounced in Open Court]**

1. The present application is preferred by applicant/accused for regular bail in Crime No.913/2022, registered in P. S. Yavatmal Rural, Distt. Yavatmal u/s. 302, of the Indian Penal Code on the ground that the charge-sheet is filed, there is no probability of tampering evidence of prosecution as accused is residing at far distance from resident of informant, There is no evidence against the applicant/accused. Applicant is bread winner of his family and is ready to abide each and every condition.
2. The prosecution objected the application by filing say vide Exh.6 on the ground that the offence is serious one the accused killed his wife by iron crowbar. Similarly, the weapon of offence is recovered from the accused under section 27 of the Evidence Act and there is likeliness of tampering of evidence at the hands of applicant.
3. Heard learned advocate Mr R.B. Jadhao for applicant/accused and learned PP. Mrs N. N. Dave, for prosecution at length.

4. On perusal of bail application, say of prosecution, charge-sheet and after considering over all submissions of both side advocates the following points arise for determination of this Court, on which the Court answer thereon with reasons as follows :

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1.	Whether the applicant proves case for his release on bail in Crime No.913/2022, i.e. in S.T. No.58/2023 under Section 302 of the Indian Penal Code ?	:: In the affirmative subject to conditions.
2.	What order ?	:: As per final order.

### **REASONS**

#### **As to point No.1 :-**

5. The applicant came with a case that he is falsely implicated in the present case at the instance of brother of deceased. He is behind bars since 30/12/2022, he is residing at distance at 15 kms. from residence of prosecution witnesses, he is breadwinner of his family, there is no evidence against the applicant and he is ready to abide each and every condition.
6. On perusal of charge-sheet it is observed that FIR is lodged against the applicant on 29/12/2022 by Shri Raju Ramchandra Rathod whereby he filed report against accused that accused killed his wife Gita by crowbar as he came to know about incident through phone call of one Shri Umesh Sharma. It is also observed from the charge-sheet that the cause of death was shock due to injuries caused to the deceased. Similarly, the

weapon i.e. crowbar is recovered at the instance of accused on 30/12/2022. Therefore, there is no substance in submission that there is no evidence against the accused.

7. It is also observed that the accused is behind bars since 30/12/2022 and charge-sheet is filed in the present crime and as on today the stage is for framing charge and draft charge is yet to be received. It is also observed the investigation is already completed then there is no necessity to keep the accused behind bars, as apprehension of prosecution at the hands of applicant/accused can be satisfied by way of putting restrictions not to enter in the vicinity of area of residence of informant and prosecution witnesses. Hence, Court **answer point No.1 in affirmative subject to conditions.**

**As to point No.2 :-**

8. As the Court concluded that due to probable delay in commencement of trial and fear of prosecution of tampering of evidence which can be answered by way of certain directions, so that the applicant required to be released on execution of bond of Rs.50,000/ (Rs. Fifty thousand) with one solvent surety, on conditions that he shall not contact any of the witnesses by any means and shall not tamper them, till conclusion of trial, he shall not enter in the vicinity of area of residence of informant and other connecting witnesses till conclusion of trial, applicant shall furnish updated addresses and mobile numbers of two close relatives excluding family members, and shall furnish his permanent and temporary addresses with documentary proof and shall inform the court in

respect of change of his address, while releasing on bail in the interest of justice. Hence the order :

**ORDER**

- 1) The application is allowed.
- 2) The applicant/accused Gajanan Jangalu Pawar, be released on bail in Crime No.913/2022, registered in Yavatmal Rural Police Station, Distt. Yavatmal under Section 302 of the Indian Penal Code on executing Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety in the like amount on following conditions :-
  - a) The applicant/accused shall not contact any of the witnesses by any means and shall not tamper evidence of prosecution.
  - b) The applicant shall not enter in the vicinity of area of residence of informant and other connecting witnesses till conclusion of trial.
  - c) The applicant/accused shall furnish updated addresses and mobile numbers of two close relatives excluding family members.
  - d) The applicant/accused shall furnish his permanent and temporary addresses with documentary proof and shall inform the court in respect of change of his address.
  - (e) The breach of any of the condition will lead to ground for cancellation of bail.

Accordingly, application is disposed off.

Dated :26/06/2023.

(S.V. Hande)  
Sessions Judge, Yavatmal.  
JO Code MH02237