

Order Below Exh.02
[Passed on 03rd day of January, 2026]

1. By this application accused No. Parth @ Gattu Jayant Bhojar is seeking bail under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023. The applicant came to be arrest on 06/06/2025 in connection with Crime No.878/2025 registered with Police Station Avadhutwadi, Dist. Yavatmal for the offence punishable under Sections 103(1), 109, 296, 3(5), 351(2) and 352 of Bharatiya Nyay Sanhita, 2023.
2. The crime is registered on the basis of report lodged on 06/06/2025 on an allegations that the accused alongwith juvenile have committed murder of deceased Suraj Kamba Gatode. As per complaint, the deceased and informant are the friends and doing job at Nagar Parishad, Yavatmal. During collection of trash, they found copper wire and other scraps. The sold out the said scrap and earned money. On 06/06/2025 at about 9.15 p.m. when the informant and deceased went on motorcycle, at that time, present accused and juveniles were standing near by road. The present accused and juveniles stopped informant and deceased. Further, started abusing them and assaulted to deceased by knife. Therefore, informant caught and pull one juvenile. At that time, one juvenile assaulted on the stomach of informant by knife but he save himself from the said assault. When deceased ran away, the present accused and two

juveniles followed deceased with knife and assaulted by knife and ran away. Therefore, the present accused and juveniles are committed murder of deceased Suraj. 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.

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 08/06/2025 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. 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.22 inter alia contending that the offence is serious one. There is a sole eye witness in the present matter. Prima-facie involvement of present accused is well founded. The possibility of tampering the witnesses cannot be ruled out. On these grounds she opposed the bail.

6. Heard the learned counsel for the applicant/accused. He reiterated the grounds as stated in the application and further contended that the accused is falsely involved in the matter. After going through the FIR the complainant is not having any knowledge about the incident. The informant being friend of deceased he is falsely involving the present accused in this matter. The investigation of crime is completed. Nothing is there to keep him behind bar. The trial will take its own time. The applicant being sole earning member his family will be put in starvation. The main witnesses are interested witnesses therefore, the aspect of tampering will not be there. Therefore, he prayed to grant bail.
7. The learned APP has strongly opposed the bail application on the ground that the crime committed by the applicant 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.
8. After going through the evidence placed on record, it appears that the accused alongwith Juvenile have committed this serious offence. On going through the C.C. TV footage of the crime, where the juvenile offenders are stabbing to the deceased. The present accused is also having knife in his hand. Prior to assault to the deceased, juvenile

offenders and present accused were waiting for deceased. After complainant and deceased came there at that time, juvenile offenders started assaulting the deceased by knife and present accused followed to the juvenils and deceased alongwith knife. Deceased tried to rescue himself from the clutches of the juvenils offenders and present accused ran from spot. The deceased was followed by the juveniles and present accused. Therefore, in my view, the involvement of the present accused in the crime is prima-facie seen. No doubt the present accused is only of 19 years of age. Considering the gravity of the offence, the present accused with the help of juvenile offender he has committed crime. It shows mindset of the present applicant to commit the crime. On going through the there are various 25 to 30 stab injury over the deceased. This shows the brutality of the accused persons to commit the crime.

9. The witnesses are residing in the same town and 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, applicant is not entiled for grant of bail.

10. So far as the contents of the counsel for the accused to the extend that the trial will take time, this fear of the consel for the accused canbe taken care by expiditing the present

matter. Already charge-sheet is filed. Accordingly, I proceed to pass following order.

ORDER

- 1) The application is rejected.
- 2) The leaned PP is directed to file draft charge on the next date.

Dated :03/01/2026.

(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 :- 03/01/2026
Judgment signed by
Presiding officer on :- 03/01/2026
Judgment uploaded on :- 03/01/2026

Visit ecourts.gov.in for updates or download mobile app “eCourts Services” from Android or iOS