

CNR No. MHNS010005862022

Order below Exh.1 in Cri. Bail Application No.204/2022.
(Krushna Laxman Shevare Vs. State)

The present application is moved by the applicant-accused Krushna Laxman Shevare under section 439 of Cr.P.C. in connection with CR No.417/2021 registered with Harsul Police Station, Dist. Nashik for the offence U/s. 302 of the Indian Penal Code (hereinafter referred to as "IPC" for short).

2. It is stated in the application that, incident took place on 16.10.2021, the offence registered on the same. The present applicant-accused was arrested and produced before the learned JMFC and he was granted Police custody till 19.10.2021 and since then he is in Magisterial custody. The applicant-accused facing charge of murder of his grand mother in his house, however, it is stated in the application that there is no cogent and positive evidence against him. There is no eye witness to the incident. The charge-sheet is already filed in the court bearing RCC No.15/2022, these and other grounds set out in the application and ready to abide the conditions laid down by this court and prayed to allow the application.

3. Application is opposed by the State by filing report dated 25.2.2022.

4. Perused the record. Heard, both the parties.

5. The learned counsel for applicant-accused Shri. Padavi has submitted that, the case is based upon circumstantial evidence, the applicant-accused is in jail since last 4 months. He is only 22 years old. He is local resident and will not jump the bail and will attend the trial regularly, his antecedents are clean. Therefore, he

prayed to allow the application. During course of argument he relied upon case-laws discussed below.

6. On the other hand, learned APP Shri. Suryavanshi has submitted that the said incident had occurred on day time at about 4.00 p.m. in the house of the accused. He pointed out the police statement of the mother of applicant-accused, who was present in the court-yard of the said house and after the murder she immediately rushed inside the house and saw that applicant-accused was present there. He was twisting his wrist, therefore, after seeing the dreadful scene, she rushed to the neighbour-hood and sought help of relatives and the neighbour-hood persons, who chased the applicant-accused who had run away from the spot and successfully apprehended him and brought to the house. There was blood on his shirt.

7. On perusal of the statement of other witnesses, it is disclosed that on inquiry the applicant-accused admitted that he has committed murder of his deceased grand-mother, because the deceased was frequently saying that this applicant-accused is mentally ill and required medical treatment and therefore, out of anger, he committed her murder by the axe.

8. So far as case-laws relied upon by the learned counsel Shri. Padavi, in case of **Akshay Suresh Hadavale Vs State of Maharashtra, 2015 (2) Crimes 367 (Bom)**. The Hon'ble Bombay High Court has released the applicant-accused on bail in that case on the ground of parity. However, in the case in hand, the applicant-accused is single accused and therefore, the ratio relied upon by the applicant-accused is not helpful him, while deciding

the present bail application.

9. The another case-law relied upon by the defence in **Seema Singh Vs CBI 2018(2) Crimes 376(SC)**. In this case there was 9 days delay in lodging the FIR and therefore, while granting the bail to the accused in the said case, the Hon'ble Supreme Court has taken into consideration the delay in lodging the FIR, however, in this case the FIR is lodged on the same day of the incident. Therefore, the said case-law is also not helpful to the applicant-accused.

10. In case of **Anand Prafulla Behra Vs State of Maharashtra, 2009 ALL MR (Cri) 1710**. The Hon'ble Bombay High Court granted bail to the applicant-accused in cited case, because no identification parade was conducted and C.A report is not connecting the accused to the crime and therefore, granted bail. However, there is no question of identification Parade and C.A. report is awaiting. Therefore, said case-law is also not helpful to the applicant-accused.

11. So far as last case-law relied upon by applicant-accused is concerned in case of **Bijendra Bhagat Vs State of Uttarakhand, 2015(4) Crimes 245 (SC)**. However, this case is not relating to the bail, but it is full-fledged trial and on the basis of the evidence Hon'ble Supreme Court has acquitted the accused by giving benefit of doubt. However, in the case in hand, it is stage of bail, therefore, said ratio is also not helpful to the applicant-accused. Thus, considering the fact that there is strong material collected by the prosecution against the applicant-accused. He was immediately present on the scene of occurrence of offence. He made an attempt

to run away from the spot, but apprehended by his relatives and neighbours. There was blood on his shirt. Therefore, considering all this evidence there is strong case against the applicant-accused and consequently the seriousness of the offence and the fact that the prosecution witnesses are closed relatives of the applicant-accused and are residing in the same house. Hence, I am not inclined to grant bail. Hence, following order.

ORDER

- 1) Bail application No.204/2022 is hereby rejected.
- 2) Inform to concern police station accordingly.

Date- 25.02.2022

(M.A. Shinde)
Additional Sessions Judge-8,
Nashik.