

**ORDER ON APPLICATION FOR BAIL OF ACCUSED SHANKAR
RAMALU GANDHAMWAR FILED BELOW EXHIBIT-26**

(Passed on 12.02.2024)

The applicant/accused is praying for bail under section 439 read with 437 of the Code of Criminal Procedure (the Code) in connection with the crime registered with Kothari Police Station bearing Crime No. 132/2021 (State -vs- Gangadhar & others) for the offence punishable under section 302, 201, 203 120-B, 109 and 506 read with section 34 of the Indian Penal Code (IPC).

02. In short, the case of applicant/accused No.2 is that he is permanent resident of Chandrapur and has been falsely implicated in this case. He has no criminal antecedents at his discredit and is involved in this case only on suspicious. The applicant is young boy of 22 years and his family is dependent on him. He is in jail since 03.07.2021. Hence he be released on bail.

03. The non-applicant/prosecution strongly opposed the application by filing say. It is contention of the non-applicant that, the report has been lodged in detail against all accused stating therein the role played by each of them in brutal murder. It is a pre planned, well designed offence. There is clinching and well founded evidence against applicant/accused no.2. If he is released on bail, there is a strong possibility of tampering of the

evidence as well as absconding of the accused. Hence, the application be rejected.

04. Heard the learned advocate Shri. R.D. Sagore for the applicant/accused No.2 and the learned APP Smt.Raut for the prosecution. Perused the charge-sheet.

05. Record reveals that the earlier bail application of the accused was rejected on merit. Initially it was accused No.1 who had lodged report wherein stated that, his wife met with road accident. She succumbed to injuries received in road accident. Accordingly accidental Marg came to be registered. It is stated by the informant Mutayya that, after completion of funeral when accused No.1 along with his relatives were sitting there accused No.1 confessed to Gangaram Kannake that he had committed murder of his wife with the aid of accused No.2 and 3. He further confessed that he committed murder of deceased for the amount of insurance. He hatched conspiracy with accused No.2 and 3 and called them near the over-bridge. There he intentionally slipped the motorcycle. Thereafter accused No.2 Shankar and accused No.3 Rajkumar came there. They caught-hold hands and legs of the deceased. Accused No.3 assaulted deceased with aluminum utensils.

06. The material on record prima facie reveals that accused No.1 hatched criminal conspiracy with accused No.2

and 3 to commit murder of his wife with an intention to grab her insurance money and also to get rid off from the deceased. Thus, looking to the facts and circumstances of the case, if accused is released on bail then possibility of tampering with prosecution witnesses cannot be ruled out. There are no change in circumstances for considering the contentions of the applicant/accused No.2 when his earlier bail application was rejected on merit. Hence, instant bail application is liable to be rejected. With these reasoning, I pass following order.

1]	Application Exhibit-26 for grant of bail is rejected.
2]	Jail Authority is directed to produce all accused before this Court personally or through video conferencing for framing charge on next date without fail.
3]	Issue letter to Jail Authority accordingly.

Chandrapur.
Date : 12.02.2024.

(Prashant C. Kale)
Additional Sessions Judge,
Chandrapur.