



IN THE COURT OF SESSIONS JUDGE, GADCHIROLI
(Presided over by Shri Vikas S. Kulkarni)

Sessions Case No.38/2024
(State vs. Vikas Janardhan Borkar)

Exhibit 04

Vikas Janardhan Borkar,
Aged 51 years, Occ. : Labour,
R/o. Kurud, Tahsil : Desaiganj,
District : Gadchiroli.

} .. *Accused/ Applicant*

-Versus-

State of Maharashtra through
P.S.O. of Police Station, Chamorshi
District : Gadchiroli.

} .. *Prosecution*

ORDER (Below Exh.4)
(Passed on : September 04, 2024)

1. Perused application and say (Exh.5). Heard both the learned advocates. Gone through the case papers.
2. By this application under Section 439 of Criminal Procedure Code, 1973, the sole accused of Crime No.65/2024 registered with Desaiganj Police Station, under Sections 302, 201 of the Indian Penal Code, 1860 seeks regular bail on the ground of completion of investigation. It is objected by the prosecution.

..2..

3. The learned advocate for the accused has submitted that initially the death of deceased was registered as accidental one under Section 174 of Cr.P.C. and after 20 days, FIR came to be lodged based on circumstantial evidence. Thus application be allowed.

4. The learned APP has submitted that there are strong circumstances against the accused. Possibility of tampering of evidence cannot be ruled out.

5. On going through the record, it is conspicuous that an accidental death was registered vide Entry no.04/2024 under Section 174 of Cr.P.C. on 8.2.2024 about the death of deceased occasioned between 3.00 p.m. to 9.00 a.m. of following day based upon report of PSI Akshay Thakare of Medical Booth of Nagpur Medical College and Hospital through Police Head Constable Madan Madavi of Police Station, Desaiganj. It reveals therefrom that the body of the deceased was found in the courtyard allegedly assaulted by unknown persons. The said A.D. was inquired into and then on 28.02.2024 on the report of Sanjay Gurnule, PSI of Police Station, Desaiganj that too against unknown assailants came to be registered. There are statement of few witnesses disclosing that there was quarrel between the deceased and the accused on 8.2.2024. However, the statements under Section 164 of Cr.P.C. of those witnesses find no place. Those witnesses reiterated the circumstances only and they do not know what was actually happened.

6. Entire case is based upon the circumstantial evidence. Now, the investigation is complete. Final report has been furnished

and committed to this Court. Having regards to the pendency, there is least possibility of commencement of trial in near future. It is well settled that bail is a rule and jail is an exception, especially when the case is based upon circumstantial evidence. Lastly, the applicant has no criminal antecedents.

7. In view of above, in my view, the applicant deserves conditional bail. Hence, the following order.

ORDER

Application stands allowed as under :-

1. The applicant/accused be released on furnishing PR and SB of Rs.30,000/- with solvent surety of like amount on following conditions.
 - i. He shall not tamper the prosecution evidence.
 - ii. He shall not pressurize or threaten the prosecution witnesses.

Gadchiroli
September 04, 2024

(**Vikas S. Kulkarni**)
Sessions Judge, **Gadchiroli**