

MHGA010005792025



IN THE COURT OF AD-HOC DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, GADCHIROLI
(Presided over by Shri V. S. Khot)

Bail Applicant vide Exh -3 in
Sessions Case No.79/2025

State of Maharashtra
Through P.S.O. P.S. Gadchiroli,
Dist. Gadchiroli

.. **Complainant**

-versus-

Vishal Ishwar Walke
Aged 45 years, Occu. -Agri
R/o. Ballu Murkhala Chak,
Tah -Chamorshi, Dist. Gadchiroli.

.. **Accused**

Order below bail application vide Exh -3
(Passed on : 26th November, 2025)

1] This application is filed under the provisions of Section 483 of BNSS 2023 for bail.

2] The applicant contended that on 14-04-2025 the Police Station Officer, P S Gadchiroli, Tah & District Gadchiroli has registered the offence vide crime no. 231/2025 u/s 103,332(a)(b),311,238 of BNS against the unknown persons. The applicant came to be arrested on 18.04.2025 and since then,he is languishing in Chandrapur Jail.

3] The informant Mohan Kashinath Sonkusare, who is a police officer reported to the police station that his elder sister deceased Kalpana Keshav Undirwade was a retired employee of Zilla Parishad, Gadchiroli. She was issueless and adopted male child by name Utkal. The informant was on duty at Police Headquarter, Gadchiroli on 13.04.2025. He received a telephonic call from his wife informing him that deceased Kalpana is lying in the house with head injury and no one is available there. He rushed to the house of deceased at about 2.37 p.m. and found that his elder sister was lying. He noticed that there is a deep injury on the back of her head and some part of brain has come out. The police arrived on spot within short time and report was lodged at the Police Station against the unknown person by the informant. The applicant came to be arrested on 18.04.2025. He took out the weapon of offence on 19.04.2025 and gave memorandum. He also disclosed that he committed theft of golden Mangalsutra and sold it to goldsmith at Mumbai. The said chain was seized by the police. The police recorded the statements of witnesses. The statements recorded by the police are entirely based on circumstantial evidence and there is no direct evidence against the applicant. The recovery of weapon is doubtful. The prosecution failed to establish the identification of ornaments. The accused is falsely implicated in the offence of murder of deceased Kalpana. This is a fit case for grant of his regular bail. The charge-sheet is already filed and the trial is likely to take considerable time. Therefore, the applicant is entitled to be enlarged on bail.

4] The investigation is completed and charge-sheet has been filed. No purpose would be served by keeping the accused behind the bars. He is a permanent resident of Ballu Murkhala Chak, Tah-Chamorshi, District-Gadchiroli. He is having immovable property in the district. His family also resides in the Gadchiroli district. He is ready to

furnish bail and observe the conditions imposed by the court while releasing him on bail. The accused prayed for bail.

5] The say of otherside came to be invited. The prosecution filed say vide Exh 4 and submitted that the serious offence is lodged against the accused. He has took out the weapon of offence to the police. He killed the deceased in brutal way. The accused disclosed that he committed theft of golden chain and sold it to goldsmith, he exchanged the jewelleries of deceased at Mahalaxmi Jewellers at Chembur(Mumbai). The police seized Rs. 1 lakh from him. The CCTV footage, memorandum panchanama, seized weapon, golden ornaments, mobile location, bank statements show that the accused is concerned in the commission of the offence. If he is released on bail then he can be dangerous for the family of the victim. He can tamper with the evidence. There is a strong evidence against the accused. The bail application is liable to be rejected.

6] In view of rival contentions of the applicant and prosecution following points arise for my determination and I have recorded my findings subject to the reasons as mentioned hereinafter.

	Points	Findings
1.	Whether the applicant/accused is entitled to be released on bail as prayed ?	.. No
2.	What order ?	As per final order

Reasons

As to point nos.1 & 2 :-

7] The accused/ applicant has filed this bail application and contended that he is falsely implicated in the crime. There is no direct

evidence against him. All the evidences collected by the police are circumstantial evidence. The accused has not done any crime. He is having property and family in Gadchiroli District. He would not abscond if released on bail as he is having strong bonding with Gadchiroli District. He be released on bail. On the contrary, the prosecutor submitted that there is a strong evidence against the accused. The CCTV footage, memorandum panchanama, weapon and ornaments came to be seized which show the involvement of the accused in crime. The offence is serious one and bail application of accused is liable to be rejected.

8] The perusal of the case papers and contentions of the parties make it clear that the accused is concerned in the murder of deceased. The allegation of murder is levelled against him. The offence is serious and punishable with death or life imprisonment. This fact goes against the bail application of the applicant.

9] The perusal of the case papers and contentions of the parties make it clear that the accused himself showed the weapon as per memorandum panchanama. He has disclosed that he committed theft of golden articles, golden chain came to be sold at Chamorshi and other ornaments came to be exchanged at Mahalaxmi Jewellers Chembur(Mumbai). The police has seized jewellery and weapon of offence. The discloser statement and seizure of weapon and ornaments prima facie connect the accused to commission of the offence. This fact makes the accused disentitled for bail.

10] It is apparent that the police has seized Rs. 01 lakh from the accused. The accused has not given any reason for having huge amount with him. He had disclosed to the police that he sold the ornaments and amount of Rs. 1 lakh came to be received as cost of the

ornaments. This fact prima facie shows that the accused is concerned with the crime.

11] The accused has used iron hammer in the commission of offence. He gave blow on the head of the deceased. The way of commission of offence shows that the offence was pre-planned. He not only killed the deceased but committed theft also. He became absconded after commission of offence. All these facts show that the way of commission of offence is brutal and he tried to save himself from the clutches of law. He tried to get profit from the commission of the offence. This aspect makes him disentitled for bail.

12] During the course of argument, the accused has relied the citations of *Ashish Vinayak Mahadik -vs- State of Maharashtra, Bail Application No. 179 of 2023, H.C. decided on June-05, 2023, LAWS(BOM)-2023-6-431* and *Hanumant Jagganath Nazirkar-vs- The State of Maharashtra, WP.No.54 of 2025, H.C. decided on 27 June, 2025*. The said citations are not helpful to him. Those citations and its ratio are idle for the case in hand.

13] In this case, the offence is serious one and punishable with death or life imprisonment. The offence is committed in a brutal way. The accused tried to gain the financial advantage from the offence. He killed the deceased for the money/golden ornaments. He tried to dispose the ornaments at Mumbai. The offence appears to be pre-planned. There is a prima facie evidence against the accused i.e. memorandum panchanama. All these facts make the accused disentitled for bail. The bail application is liable to be rejected. Having regard to the above reasons, I am of the view that the applicant/accused is not entitled to be enlarged on bail. Therefore, my answer to Point No.1 is in negative and I am inclined to pass the

following order :

O R D E R -

- 1] The application for bail is hereby rejected.
- 2] The bail application stands disposed of and it shall be a part of charge-sheet.

sd/-

Gadchiroli
26th November, 2025

(Vishwas S. Khot)
Ad hoc District Judge-1 &
Additional Sessions Judge,
Gadchiroli