



IN THE COURT OF SESSIONS JUDGE, GADCHIROLI
(Presided over by Shri V. R. Joshi)

Sessions Case No.95/2022

Exhibit No.36

State of Maharashtra vs. Naresh Devrao Gadekar+1
Applicant/Accused no.1 Naresh Devrao Gadekar

O R D E R (Below Exh.36)
(Passed on : 25th March 2025)

1. This is an application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for bail, by applicant/accused no.1 Naresh Devrao Gadekar. The applicant is prosecuted in relation to C.R.No.482/2022 registered at Gadchiroli Police Station for offence punishable under Section 302 read with Section 34 of the Indian Penal Code. He is arrested on 5.7.2022. This is his second bail application after filing of the charge-sheet.

2. It is alleged that this applicant/accused no.1 had illicit relations with deceased's wife, due to which there was quarrel between the applicant and the deceased. This accused dealt blows of spade and stick etc. and caused death of the deceased.

3. Heard Shri Bramhanwade, Advocate for the applicant/accused. He reiterated that applicant is innocent, he is falsely

implicated, he has permanent place of residence. His main submission is that even after rejection of his last application (Exh.24) by this Court by order dated 1.1.2024, the muddemal and forensic laboratory reports are not produced on record by the prosecution. Even after laps of one year trial has not therefore commenced. Accused no.2 is already released on bail. According to him, the applicant deserves to be released on bail as he can't be detained awaiting trial to commence.

4. On the other hand, Additional Public Prosecutor Shri Kumbhare pointed out that charge in this case is framed on 23.8.2023, muddemal is deposited in the Court on 27.2.2024, forensic laboratory reports are filed on record on 1.3.2024, prosecution has submitted list of witnesses and notice under Section 330 of the Bharatiya Nagarik Suraksha Sanhita (294 Cr.P.C.). According to him, the prosecution is ready to examine the witnesses, trial should be commenced. He further added that there are no delays on the part of the prosecution.

5. While considering the bail on merits, this Court in his previous order dated 1.1.2024 noted that present applicant/accused no.1 was *prima facie* involved in the murder of the deceased. There is likelihood of tampering with the witnesses as all eye-witnesses are come from same village. This court had further noted that the role of the applicant/accused amongst two accused was more serious.

6. The submissions made by the defence advocate about non production of Muddemal property and forensic reports are

incorrect. Only aspect for consideration before this Court now is that more than a year since last order dated 1.1.2024, trial has not in fact commenced. During preceding last year multiple Presiding Officers of this court are changed due to transfer or retirement. As the matter is ready and trial could be commenced from the next date, it is not desirable to accept the request made by the applicant/accused. Hence, following order :

ORDER

1. Application (Exh.36) is rejected.
2. Issue summonses to the prosecution witnesses.

Gadchiroli
25th March, 2025

(V. R. Joshi)
Sessions Judge, Gadchiroli