

MHGA010001612024



IN THE COURT OF SESSIONS AT GADCHIROLI

(Presided over by Shri Prashant R. Sitre)

Sessions Case No. 17/2024

(Crime No.01/2023)

Chandrapal Ramsu Gota,

Aged- 35 years, Occu. Cultivation,

At. Salhe, Tah. Korchi,

Dist. Gadchiroli.

.. Accused

..Versus..

State of Maharashtra

Through PS, Kotgul,

Tah. Korchi, Dist. Gadchiroli.

... Prosecution

APP Shri. N.M. Bhandekar for the State

Adv. Shri. PP. Bramhanwade for the accused person

ORDER below Exh.7

(Passed on 03.12.2024)

1. This is an application filed by accused seeking his release on bail in Crime bearing No. 01/2023 for the offences punishable u/Sec. 302, 201, 34 of The Indian Penal Code, 1860, registered with Police Station Kotgul, Tah. Korchi, Dist. Gadchiroli.

2. According to the prosecution, Indalsingh Kumre the Sarpanch of Salhe village, registered the complaint to the police

that on 19.10.2023 contending that on the same day the villager Sukalsingh Korcha came to his house and told that one person found dead. Near his field, he was wearing red full shirt and was half naked. On the basis of this information, police went there and make an inquiry. On the basis of this inquiry report the offence is registered against the unknown person. During the investigation it was found that the name of the deceased was Dulal Sukhlal Mandal. He was last seen with the accused Ramesh Kumre and Chandrapal Gota. After detail investigation chargesheet is filed against both this accused.

3. The learned advocate for the applicant submitted that accused is innocent and falsely implicated in this crime. Accused is arrested on 10.11.2023 and since then he is in jail. The information was given to the police Station by Indalsingh Kumre and on the basis of that inquiry was conducted. The report was submitted on 02.11.2023. The FIR is registered against the unknown person on the basis of inquiry report. The name of the applicant is not mentioned in the FIR.

4. The learned advocate further submitted that There was no recovery or discovery from the applicant. There was no eye-witness regarding the incident. The statement of the witnesses are stereotype. No statement reflect or pointed out for the commission of the act by the accused. All the witnesses are here say witnesses. Only on the basis of last scene theory the applicant is arran as an accused in this case.

5. The learned advocate further submitted that if we perused the statement of witness Suresh Hidami and Devraj Lade then it is clear that apart from there version of last scene theory, there is no reference regarding any incident. There was no planning, any motive or intention gathered from the statement of the witnesses, of the accused. The statement of the witnesses were recorded after the long span of time which create doubt on the story of prosecution.

6. The learned advocate further submitted that investigation is completed and charge-sheet is filed. Nothing is remained left for any recovery or discovery. The applicant is arrested on 10.11.2023 and since then, he is in jail. No purpose will be served to keep the applicant behind the bar.

7. The applicant is the permanent resident of the above address and hence, there are least chances to flee away. Applicants are ready to abide each and every conditions imposed by this Hon'ble Court and hence, prayed to release him on bail.

8. The learned APP by filing his say overleaf contending that application is strongly opposed on the ground that offence is serious in nature. The statement of the witnesses Devraj Lade speaks that applicant and other accused has taken away the deceased from the house of this Devraj. The said fact is corroborated by the witness Suresh Hidami.

9. The learned APP further submitted that the statement of the witnesses were corroborated in nature. The theory of last scene is clearly reflected from the statement of the

witnesses. The post-mortam report also corroborative in nature and the cause of death is due to Hemorrhagic shock. Considering the nature of the offence and the involvement of the applicant in this offence, he prayed to reject the application.

10. Heard both the sides at length and perused charge-sheet.

11. The record shows that during the investigation, it was found that applicant and the other accused took the deceased with them. The statement of the witnesses Suresh Hidami speaks that deceased was Vaidya and hence the applicant took him with them for treatment of his family members. The 164 Cr.PC. Statement clearly read out the said fact. The statement of this witness is corroborated by the statement of witness Devraj Lade.

12. If we perused the version of this witnesses, then it is crystal clear that applicant is directly involved in this offence. The ingredients and the characteristics of the last scene theory is prima-facie reflected. It appears that prima-facie applicant is involved in this offence.

13. From the above facts and circumstances, it is crystal clear that accusation against the accused are well founded. The offence of murder is serious in nature and the allegations against the applicants are specific and clear. Moreover, prima-facie evidence is against the applicant.

14. Considering the seriousness of the offence and the specific role attributed against the applicant, I pass the following order.

ORDER

1] Application of Exh.7 in Sessions Case No. 17/2024 is rejected.

Date : 03.12.2024

(**Prashant R. Sitre**)
Additional Sessions Judge,
Gadchiroli.