



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
GONDIA.**

S.T. No.25/2026.

[CNR NO.MHGO010003202026]

ORDER BELOW EXH.5.

(Passed on this 30th March, 2026)

1. Present application is filed by applicant/accused by name **Omprakash Mahendrasingh Barele** under Section 483 of B.N.S.S. to release him on bail in Crime No.549/2025 registered with Police Station, Rawanwadi for offence punishable under Sections 103(1) of BNS.

Brief facts of the case are as under:

2. Applicant is real brother of deceased Tikendrasingh @ Chhotu Barele. Quarrel used to take place between deceased Tikendrasingh and applicant and deceased Tikendrasingh had insulted applicant. So Applicant has grudge against deceased Tikendrasingh. On 23-10-2025 quarrel had taken place between deceased and applicant. Due to said incident applicant got angry. Out of vengeance on 24-10-2025 at 1.00 am while programme of Mandai was going at Kochewai taking advantage of calmness or silence in the vicinity of place of incident applicant inflicted knife in the thigh of deceased Tikendra. As a result of which deceased

Tikendra sustained bleeding injury. He was taken to PHC Rajegaon. From there he was referred to KTS hospital Gondia where he was declared dead. Mother of applicant has lodged report in police station Rawanwadi against unknown person. On the basis of her report offence under section 103(1) of BNS has been registered vide Crime No.549/2025 with police station Rawanwadi. During the investigation complicity of applicant revealed so he was arrested and at his instance weapon of offence was recovered. So also his clothes were seized. Statement of witnesses were recorded and after completion of investigation prima-facie there is sufficient material against applicant so charge-sheet has been filed against him in the court for said offence.

3. Applicant submits that false allegation has been made against him. He has not committed any offence. He has been falsely implicated in the present case. Applicant is in jail since 24-10-2025. Charge-sheet is already filed. Therefore, he requested for his release on bail.

4. I.O filed say vide Exh.6 and opposed application on the ground that applicant is involved in the said crime and weapon of offence i.e. knife has been recovered at the instance of applicant. One Mansaram has seen applicant while returning from programme of Mandai and disclosed to him that he was behind the Pendol of Mandai. In case of release of applicant on bail there is possibility that he would pressurize

witnesses as he and witnesses are resident of same village and he would dissuade witnesses from adducing evidence and there is possibility that he would commit grave offence. Therefore, requested to reject bail application.

5. Learned APP Shri Chute filed say vide Exh.7 and opposed application on the ground that offence is serious. Deceased and applicant are real brothers. Knife which is used in the commission of offence was seized from applicant. There is eye-witness who saw applicant near the spot of incident. As applicant is resident of same village there is chance of tampering evidence. Therefore, requested to reject bail application.

6. Perused record and proceeding of present case. Heard Ld. Advocate for applicant and Ld. APP Shri Chute.

7. After carefully going through charge-sheet prima-facie it reveals that present case is based on circumstantial evidence. The circumstance on which prosecution relied upon is recovery of knife at the instance of applicant and that he obtained said knife some time before the alleged incident and he was seen after alleged incident near the spot of incident. It is to be noted that in FIR informant has not raised initially any suspicion against applicant. Witness Nitesh Waghare has stated that deceased Chhotu @ Tikendra had taken him to the place where people were dancing. He further stated that while

dancing he stood beside and came out of Pendol. He further stated that after some time Tikendra also came out of Pendol and they were talking with each other and all of sudden Chhotu told him that knife has been inflicted to him and he laid himself under the Mango tree near Ram Temple. This statement of witness nowhere shows that he involved applicant in the said crime and that alleged incident had taken place in the isolated place. In the present case charge-sheet has been filed and charge has been framed. But completion of trial would take its own time. Applicant is behind bars since 25-10-2025. Nothing is remained to be recovered from him. There is no mention in seizure panchnama that clothes of accused which were recovered are having blood stains. Moreso, there is no mention in recovery panchnama of weapon that said weapon also having blood stains. Even Medical Officer while mentioning description of weapon in query report nowhere mentioned that he found blood stains on said weapon. In the facts of matter I am of the view that applicant has made out case for grant of bail. Hence, this order.

ORDER

- 1] Application [Exh.5] is allowed.
- 2] Applicant **Omprakash Mahendrasingh Barele** be released on bail on his executing PR bond of Rs. 25,000/- and furnish one surety in like amount on the following conditions:
 - i] Applicant shall not enter into vicinity of village Kochewai, Tah. Dist. Gondia till conclusion of trial.

- ii] Applicant shall attend this court regularly.
 - iii] Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.
 - iv] Applicant shall not commit offence of like nature.
 - v] Applicant shall give in writing to Court and I.O. about place of his abode with address proof upon his release on bail.
- 3] Accordingly, application stands disposed of.

Date: 30-03-2026.

(M. T. Asim)
Additional Sessions Judge,
Gondia.