

**IN THE COURT OF DISTRICT JUDGE-1, & ADDITIONAL  
SESSIONS JUDGE, GONDIA.**

**S.T. NO. 42/2019,  
(CNR No.MHGO01000495-2019)**

**STATE OF MAH.-VRS- VIRENDRA SURYAVANSHI.**

**ORDER BELOW EXH.03.**

(passed on this 09<sup>th</sup> day of July-2019.)

1] This is an application under section 439 of Code of Criminal Procedure for grant of regular bail, filed by the applicant/accused Virendra S/o. Ramesh Suryavanshi, in Crime No. 723/2018 for the offences punishable under section 302 and 201 of the Indian Penal Code, registered with Gondia city police station.

2] The prosecution case in brief is that, deceased Rameshwari@ Bali and the applicant/accused were working in Suruchi hotel Gondia. The applicant/accused was waiter and deceased was cleaner in the hotel. While working in the hotel they developed intimacy. They used to go together after closure of the hotel. There used to be quarrel between them. The deceased was of suspicious nature and would take suspicion on the applicant/accused. The applicant/accused was married person having children. He was annoyed about the behaviour of deceased. Hence, he committed murder of the deceased during intervening night of 24/12/2018 to

25/12/2018. Police found dead body of the deceased at railway track and hence, crime came to be registered.

3] It is contended by the applicant/accused that there is no eye witness to the crime and applicant/accused has been arrested on suspicion. It is also contended that due to the arrest of the applicant/accused his family members are facing hardship. Hence, the application be allowed. APP opposed the application on the ground that there is enough material against the applicant/accused.

4] Heard learned advocate for the applicant/accused and learned APP for the State. The learned advocate for the applicant/accused submitted that the case is based on circumstantial evidence. The charge-sheet is incomplete as C.A. report is not filed on record. There is no question of tampering the evidence. Hence, application be allowed. In support of his contention, he has placed reliance in the case of **Sharadchandra Vinayak Dongre and Others -Vrs- State of Maharashtra, reported in 1991 (1) Mh.L.J. 656.** The learned APP submitted that burnt Sari was recovered at the instance of the applicant/accused and there is other material which show the implicity of the applicant/accused in the crime. Perused charge-sheet.

5] From the statement of Maltibai Chachane it can be gathered that she had given the message of deceased at 10.30 p.m. on 24/12/2018 to the applicant/accused for waiting. The

statement of Santosh Dhurve and Amit Kantode show that on 24/12/2018 in the night deceased left the hotel immediately after the applicant/accused. This material shows that before incident deceased had gone after applicant/accused. On 26/12/2018 one scarf having blood stain was seized from the applicant/accused. On 28/12/2018 clothes having blood stains were seized from the applicant/accused. On 30/12/2018 from the house of the applicant/accused one shoe having blood stain was seized. The C.A.report is awaited. From the above discussion, it is clear that there is enough material against the applicant/accused to show his prima-facie implicity in the crime. Hence, grant of bail to the applicant/accused cannot be justified. Hence, I pass the following order.:-

**ORDER.**

1] The application for bail (Exh.3) is hereby rejected.

Gondia.

Dated.:- 09/07/2019.

( S.B.Parate )  
Additional Sessions Judge,  
**Gondia.**

