



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

**SESSIONS CASE NO.83/2023.**  
**CNR No.MHGO010012092023.**

**THE STATE OF MAH. THROUGH PSO TIRORA.**

**VS.**

**CHANDRAKUMAR @ BANDU GANPAT TUMDE.**

**ORDER BELOW EXH.3.**

(Passed on 2<sup>nd</sup> January, 2024)

The applicant/accused by name **Chandrakumar alias Bandu Ganpat Tumde** by this application under Section 439 of the Code of Criminal Procedure ('Cr.P.C.') prays for regular bail in Sessions Case No.83/2023 (Crime No.324/2023) registered with Tirora Police Station, District Gondia under Sections 302 and 307 read with Section 34 of The Indian Penal Code, 1860 ('IPC'). From the application, it reveals that, this is first bail application on behalf of applicant/accused.

2. Perused the application and say filed by Learned APP on the backside of Exh.3 and say filed by Investigating Officer at Exh.5. Also Gone through the additional say filed by Investigating Officer at Exh.6 and additional say of Learned PP at Exh.7.

3. From the contents of FIR, it reveals that, Shishupal Sharnagat lodged report to Tirora Police Station on 19/05/2023 pertaining to incident which had been taken place on 18/05/2023 at about 9:00 to 9:30 p.m. at village Bhuratola. From the contents of complaint, it reveals that, on 18/05/2023, Shishupal (Informant) had been to the house of deceased Gurudas Rahangdale. On 18/05/2023 at about 9:00 to 9:30 p.m., brother-in-law of informant i.e. Gurudas Rahangdale had been to Pan Stall which was adjacent to his house to purchase the Kharra. At that time, after dinner, informant was in the courtyard. Informant heard noise of Gurudas Rahangdale and he was saying “जावई, मला वाचवा, वाचवा”. When informant had been towards the noise, he noticed that, Anil Tumde and Sunil Tumde caught-hold the both hands of deceased Gurudas and present applicant/accused assaulted Gurudas with knife on his stomach and rib. By noticing informant, applicant/accused and co-accused ran away. It is further mentioned in a complaint that, in a street light, informant witnessed the incident. Gurudas was admitted in the Hospital and on 19/05/2023, he died in the Hospital.

4. From the contents of application, it reveals that, applicant/accused is innocent. He is falsely implicated. During investigation, it transpired that, accused No.2 Sunil and accused No.3 Anil were not present on the spot of incident. As such report under Section 169 of Cr.PC. was filed. Applicant/Accused is ready to abide any condition, if so imposed on him and will not misuse his liberty in any manner.

5. From the say of Learned APP on backside of Exh.3 and from the additional say of Learned PP at Exh.7, it reveals that, the offence is serious. There were previous enmity between deceased and accused. If applicant/accused is released on bail, he will pressurize the witnesses.

6. From the say of Investigating Officer at Exh.5 and additional say of Investigating Officer at Exh.6, it reveals that, deceased and witnesses are resident of same village. If applicant/accused is released on bail, possibility cannot be ruled out that he will misuse his liberty.

7. Heard Learned advocate for the applicant/accused and Learned PP. It is vehemently argued by Learned advocate for applicant/accused that, initially offence was registered under Section 307 of IPC and later on Section 302 of IPC was added. FIR was registered against applicant/accused and his two sons. However, report under Section 169 of Cr.P.C. is filed against two sons of applicant/accused. Due to the enmity, applicant/accused is falsely implicated. Per contra, it is vehemently argued by Learned PP that, applicant/accused inflicted the blow of knife on the stomach of deceased Gurudas. It is further argued that, there is sufficient evidence to proceed against the applicant/accused.

8. I have gone through the postmortem report dated 19/05/2023. On perusal of postmortem report, the cause of death of Gurudas is shown as "Haemorrhagic Shock". On perusal of postmortem report, it further reveals that, stab injury was noticed on abdomen of the deceased.

9. I have gone through the statements of witnesses recorded by Police and statements of witnesses recorded under Section 164 of Cr.P.C.. On the basis of statement of Shishupal (Informant) recorded under Section 164 of Cr.P.C. dated 12/06/2023, his report, it can be said that, he had witnessed the incident. On the basis of statement of Santosh Bhaskar under Section 164 of Cr.P.C., it can be said that, deceased had been to his Pan Shop to purchase the Kharra. On the basis of statement of Shobhelal Uikey under Section 164 of Cr.P.C., it can be said that, deceased came to his own house and told that applicant/accused assaulted deceased with knife. On the basis of statement of Shrichand Rahangdale, it can be said that, Gurudas told him that he was assaulted by applicant/accused. When Shrichand came on the road, he noticed that applicant/accused was running from there. The police statements of witnesses are also on the same line.

10. Moreover, from the record, it reveals that, on 21/05/2023, on the basis of memorandum statement of applicant/accused, the knife allegedly used in an offence was discovered at the instance of applicant/accused in presence of panchas under panchnama. There is direct evidence against applicant/accused. On perusal of record, it came to my notice that prima-facie there is sufficient evidence to proceed against applicant/accused. The story put up by the prosecution is consistent with the postmortem report. Prima-facie it reveals that, there is direct involvement of the applicant/accused in a murder of deceased. To my mind, no case is made out by applicant/accused to release him on regular bail. Hence, I proceed to pass following order.

**ORDER**

1. The application (Exh.3) stands rejected.

Sd/-

Date: 02.01.2024.

(N. D. Khose)  
Addl. Sessions Judge, **Gondia.**