



IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SESSIONS TRIAL No. 103/2025.

(CNR NO.MHGO0100114562025)

STATE, PSO, GONDIA RURAL -VS- RAJGABBAR RANGARI+2

ORDER BELOW EXH. 08.

(Passed on this 12th day of November, 2025)

Seen application.

2. Applicant is arrested on 13/05/2025 and now he is in Magisterial custody.

3. This is first bail application moved by the applicant/accused **No.2 Gulshan Prakash Ukey** claiming regular bail under Sec. 483 of BNSS, 2023 in connection with Crime No. 299/2025 registered with Police Station, Gondia Rural for offence punishable under Sec. 103(1), 61(2), 3(5) of BNS, 2023.

4. I.O. and learned DGP have opposed this bail application contending that offence is very serious and that applicant is involved in the said crime.

5. Heard.

6. It is the prosecution's case that applicant along with two other accused persons and one juvenile in conflict with law have murdered Mahendra @ Milind Lalchand Madarkar. Deceased was brutally murdered in planned manner using sword and axe. It is alleged that deceased was killed due to certain monetary transactions. As per Col.9 of post mortem report, 11 deadly injuries have appeared on the body of deceased.

7. It is contended on behalf of applicant that hardly any role is alleged as against the present applicant. He has submitted that as per charge-sheet, hardly any role is alleged as against the present applicant. In order to buttress the said contention, advocate for applicant has relied upon statement of witnesses recorded before Magistrate.

8. However, learned DGP has submitted that police has recorded statement of eye witnesses immediately on 13/05/2025 and on 17/05/2025. Going by statement of witness Panchfula Wd/o Rajkumar Ukey, it appears that she had seen the present applicant and other accused persons assaulting the deceased. She has specifically stated that present applicant and accused Ajay Kallo attacked deceased with swords whereas accused Rajgabbbar Rangari attacked deceased with an axe. This statement was made by witness on 13/05/2025.

9. Similar statement of witness Meena Tilak Bawanthade was recorded on 13/05/2025. As per the said statement she is eye witness of the said incident. She has specifically alleged that accused Rajgabbar attacked deceased with axe whereas, applicant and accused Ajay Kallo attacked deceased with swords and brutally deceased was killed by accused persons.

10. Similarly, one Durga @ Sonu Sudhakar Madarkar whose statement was recorded by police on 17/05/2025 has clearly stated that she has also seen that accused persons brutally killed deceased using axe and sword.

11. Thus, according to learned DGP that there are eye witnesses who have seen the said incident. It appears that although accused persons were in custody, these witnesses are pressurized and in their statements which are recorded before the Magistrate under Sec. 183 of BNSS, 2023 after laps of one month also, these witnesses have narrated new story. According to learned DGP, perusal of the said statements goes to show that these witnesses were threatened. As such, he has submitted that if applicant is enlarged on bail will adversely affect the prosecution's case. At this stage, I am in agreement with contention argued by learned DGP.

12. Dispute is also raised about seizure of clothes from applicant. It is contended by learned advocate for applicant

that the said seizure is not discovery. In fact, the said seizure is made in police station. Learned advocate for applicant has contended that weapons are also not seized from the custody of applicant but in fact the said weapons were seized from the spot itself. In this connection, learned DGP has submitted that admittedly weapons seized from the spot of incident and clothes are sent for FSL. He has pointed out that though FSL report in connection of viscera and blood sample of deceased is received, however in so far as FSL report vis a vis of weapons and clothes seized during investigation are concerned, the same is yet to receive. Considering, the nature of offence, in absence of said report it cannot be said that there is no material at all against the applicant. Here I am in agreement with learned DGP in as much as earlier also while passing order below Exh.3 while rejecting application of accused No.3 Ajay Laccharam Kallo, I have observed that the said report is necessary.

13. Lastly, in bail application learned advocate for the applicant has taken contention of breach of Sec. 47 and 48 of BNS, 2023 in as much as the said communication is undated and that the same cannot be relied upon. However, the said objection is not taken at the time of first remand. As such, it can be inferred that at the time of first remand of accused persons, I.O. had complied with Sec. 47 & 48 of BNS, 2023.

14. Under these circumstances, it will not be proper on part of this court to enlarge applicant on bail. Hence, the following order.

ORDER

Application [Exh.08] is hereby rejected.

Gondia.
Dated: 12.11.2025.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.

Dictated and transcribed on dais computer	:	12/11/2025
Checked by the Judge	:	12/11/2025
Finally printed and signed by the Judge	:	12/11/2025