

MHAU010048282026



ORDER BELOW EXH.1 IN CRI. BAIL APPLN. NO.1289/2026

Akash Satish Dandwate Vs. State of Maharashtra

1. Applicant/accused namely **Akash Satish Dandwate** has preferred present application for seeking regular bail under section 483 of B.N.S.S. concern with C.R. No.422/2026 registered with Satara Police Station in respect of offences punishable under section 109, 189(2), 190, 191(2), 191(3) of B.N.S. and section 3, 4 r/w. 25 of the Indian Arms Act.
2. **Fact of prosecution case is that,** on 20.06.2026 as per the report of Sumit Ghodke crime in question is registered alleging that, on 19.06.2026 at about 1.30 hrs he himself, his friend Balaji Jadhav and Akshay Rajguru went towards Satara area for eating biryani, when they reached to High Court Colony co-accused involved in the crime namely Sanghapal Watode, Sai Mhaske and their 5 to 6 friends being a member of unlawful assembly in prosecution of common object of attempted to commit murder of his brother Prashant Ghodke and also assaulted over the person on them by means of hand blow on account of as they are not permitted to them for dancing in the celebration of Shiv Jayanti. According to informant by doing so offence in question committed by applicant and co-accused involved in the crime. Hence his report.
3. On the basis of report of Sumit crime in question is registered against two known offenders and 5 to 6 their friends. In primary

investigation of crime involvement of applicant in commission of crime is transpired, accordingly as per say placed on record he came to be arrested on 20.06.2026, at present he is in magistrate custody. Hence this application for seeking regular bail.

4. It is contentions of applicant that, he is innocent and falsely implicated, no role parted by him in commission of crime, no direct evidence against him, nothing is recovered at the instance of him, he is co-operated in the investigation, investigation concern with him already over, he is not having any criminal record, he resides at caption address, he is not possessed an antecedent, he is ready to abide any condition put forth by court. By contending so he requested for allowing application in question.

5. Prosecution resisted to application by uploading its say dated 10.07.2026. It is contentions of prosecution that, applicant and co-accused involved in the crime being a member unlawful assembly, followed to informant and attempted to commit murder of brother of informant by using deadly weapon, offence is in serious nature, investigation is in progress, deadly weapon i.e. pistol used while commission of crime. If relief in question allow in favour of applicant, then he will commit similar offence again, will tamper the evidence of prosecution, there is a possibility of his absconding. By contending so prosecution requested for its rejection.

6. Read application and say. Perused the uploaded copy of document on behalf of both parties and investigation papers placed on

record for perusal in sister bail application no.1354/2026. Heard counsel for applicant and Ld. APP Shri. Shirsath for State at length.

7. During the course of argument counsel for the applicant has submitted that, no direct or indirect concern of applicant with commission of crime, even in FIR his name is absent, so called weapon allegedly used while commission of crime already recovered, nothing is available to recover at the instance of him, physical condition of so called injured is out of danger, he is not possessed any history of previous conviction, no scope is available for applicant for tampering the evidence of prosecution. According to him further detention of applicant behind bar is unwarranted. By saying so he requested for allowing application in question.

8. Per contra learned APP Shri. Shirsath has submitted that, offence is serious in nature, applicant and co-accused involved in the crime attempted to commit murder of informant and his brother by using deadly weapon, in primary investigation of crime involvement of applicant is very well transpired, investigation is in progress, chargesheet is yet to be filed. If relief in question allow in favour of applicant then he will tamper the evidence of prosecutions, will commit similar grave offence again. By saying so he requested for its rejection.

9. Considering the facts of prosecution case, rival submissions advanced on behalf of both and nature of application under consideration it is necessary to see, whether case is made out in favour of applicant for seeking regular bail or not. Upon careful perusal of FIR name of applicant

is prima-facie absent, allegations about the assault by means of sickle over the person of brother of informant against co-accused Prashant Ghodke and not against the applicant, at the most allegations about the assault against the unknown offender alleged by means of hand, applicant possessed status as a unknown friend of known accused, their appears no grave role allegedly parted by friends of co-accused in commission of crime. Hence I found substance in the submission advanced on behalf of applicant.

10. As regards recovery fo weapons allegedly used while commission of crime is concern, as per say placed on record vide clause no.8 total 10 articles reported seized in the nature of gavthi katta, two rounds of gavthi katta, one big sickle, chili powder, one black colour gavthi katta, Sandisc company make Pendrive, Redmi mobile, Apple company make mobile and one knife. On the basis of contents of say it is clear that, so called weapon allegedly used while commission of crime already reported seized. Consequently nothing can be said available to recover at the instance of applicant

11. As regards physical condition of so called injured is concern, as per contents of FIR, brother of informant sustained injuries over his hand, nothing is placed on record from the side of prosecution that, at present also alleged injured Prashant is under medical treatment and his physical condition is in critical nature. Non-production of material to that effect in the nature of advance medical certificate sufficient to infer that, at present physical condition of so called injured can be said out of danger.

12. As regards having scope to applicant for tampering the evidence of prosecution is concern, upon perusal of investigation papers, pendrive consisting, CCTV footage of spot of incident reported produced by informant himself and that appears to be seized by drawing necessary panchanama in presence of independent panch witnesses namely Munwar and Amol coupled with drawing its hash value at the instance of PH Sunil Belkar. Certainly, evidence in the nature of CCTV footage can be said within the meaning of **electronic evidence** and when that evidence is in the custody of prosecution agency, no scope can be said available to applicant for tampering the evidence of prosecution. Hence I found substance in the submission advanced on behalf of applicant.

13. As discussed above in FIR name of applicant is prima-facie reflected absent, so called weapon allegedly used while commission of crime already reported seized, nothing is available to recover at the instance of applicant, nothing is placed on record that physical condition of so called injured is in critical nature, no scope can be said available to applicant for tampering the evidence of prosecution as evidence in the nature of electronic nature already collected by investigating officer concern. Whatever ground put forth by prosecution for refusing relief are not demonstrate as to for what purpose detention and detention of applicant behind bar is in imperative in nature. Further in number of cases, it has been observed by the Hon'ble Supreme Court that, **bail is a rule and jail is an exception**. By clubbing all above said facts material placed on record by prosecution itself and with the help of principle of bail laid down by the Hon'ble Supreme Court further detention of

applicant behind bar does not seems to be imperative. Consequently case is made out in favour of applicant for seeking regular bail as requested under application. Hence this court inclined to allow application in question. As regards apprehension put forth by learned APP is concern, that can be care by imposing **stringent** conditions on applicant. With this I proceed to pass following order :

ORDER

- 1) Application Exh.1 is hereby allowed
- 2) Applicant **Akash Satish Dandwate** shall be released on furnishing **one surety of Rs.50,000/-** and PR bond like amount concern with CR. No.422/2026 registered with Satara Police Station Dist. Aurangabad in respect of offences punishable under section 109, 189(2), 190, 191(2), 191(3) of B.N.S. and section 3, 4 r/w. 25 of the Indian Arms Act. subject to following conditions :
 - i) Applicant shall remain present at Satara Police Station, Dist. Aurangabad twice in a week i.e. on Monday and Friday in between 9.00 am to 11.00 am till filing of the chargesheet.
 - ii) Applicant shall give his attendance at Satara Police Station once in a three months i.e. on very first day of month with effect from 01.08.2026 in between 9.00 AM to 11.00 AM till conclusion of trial concern with CR No.422/2026
 - iii) In order to comply order clause 2(ii) applicant shall maintain diary for taking acknowledgment of his attendance as directed bear signature of officer incharge of Satara Police Station coupled with seal of it and produced the same before the court as an when directed to do so.

- iv) Officer incharge of Satara Police Station is hereby directed to do the needful in order to comply order clause-2(iii).
 - v) Applicant shall not tamper the evidence of prosecution and its witnesses in any manner.
 - vi) If applicant chargesheeted concern with CR. No.422/2026 registered with Satara Police Station, he shall remain present before the court concern on each and every scheduled dated without fail and excuse and report his presence by tendering pursis on record bears signature of him and his advocate.
- 3) In the event of jump of any of bail condition by applicant prosecution is at liberty to move for cancellation of bail.
 - 4) Compliance of bail order before magistrate court concern.
 - 5) Inform to Satara Police Station accordingly for information and necessary action.
 - 6) Inform to applicant through Superintendent of Prison, Chhatrapati Sambhajnagar by mail forthwith.

Dictated on PC directly, delivered and pronounced in open court at about 1.20 pm.

Date – 14.07.2026

(M. G. Chavan)
Additional Sessions Judge–9,
Aurangabad.

CERTIFICATE

I affirm that, the contents of this P.D.F file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer:	: Pankaj Ravindra Saindane. (Stenographer Grade-II)
Name of the Court	: District & Addl. Sessions Judge-9, Aurangabad.
Date	: 14.07.2026.
Judgment/order signed by the Presiding Officer on	: 14.07.2026.
Judgment/order uploaded on	: 14.07.2026.