

Sessions Case No. 80/2025
(CNR No. MH50010012302025)
Order Below Exh. 69

1. Applicant/accused No.4 namely – Kiran @ Manoj Dilip Ankush has moved this application for grant of bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime No. 01/2025 registered at Sadar Bazar Police Station for offences punishable under sections 103(1), 109, 118(1), 118(2), 115(2), 189(2), 189(4), 190, 191(2), 191(3), 351(2), 351(3), 352 and 74 of Bharatiya Nyaya Sanhita and under section 7 of Criminal Law Amendment Act, 1932.

2. It is contended by the accused that, he is innocent and has not committed any offence. He is arrested on 01/01/2025 and since then he is in M.C.R.. He is resident of Solapur and he will not abscond. There was delay in lodging of the F.I.R. and the same creates doubt in prosecution story. The accused is arrested on the suspicious ground and during custodial interrogation there was no recovery or discovery at the hands of applicant/accused No.4. There are no antecedents against the accused. Witness are not related with each other. No specific role is attributed towards the accused. Vague and general allegations are made against the accused. On perusal of the statement of the witnesses it will shows that, each and every statement are contradictory with each other. Till today case is not yet commenced. Investigation of this crime is totally completed. He is ready to abide by any conditions, imposed by the Court. Hence prayed that, bail application be allowed.

3. A.P.P. has filed say at Exh. 73, whereas informant filed her say on affidavit at Exh. 74. Prosecution has objected this application on the count that, nature of offence is very serious and punishable with life

imprisonment. The active involvement of the applicant/accused No. 4 in commission of offence is prima facie seen. The alleged offence is squarely applicable to applicant/accused No. 4. There is strong evidence against applicant/accused No. 4. Under such circumstances, if applicant/accused No. 4 is released on bail, then he will abscond. He will bring pressure on informant and prosecution witnesses. He will not remain present before the Court during trial. Possibility of committing similar type of offence at the hands of applicant/accused No. 4 cannot be ruled out. Hence, prayed that, application may be rejected.

4. Advocate for complainant filed written notes of arguments at Exh.79 and submitted that, there is no change of circumstance. Complainant stated in her FIR that, accused Kiran Ankush alongwith others assaulted her son Ritesh with the help of iron rod and wooden sticks. Same role of accused stated by complainant in her supplementary statement. There is no any contradiction is seen in the role of accused in FIR and supplementary statement of complainant. Accused trying to point out the contradiction in the statement of witnesses on the role of accused. It is pertinent to note that, witnesses have stated same role of accused as stated by complainant in FIR. Advocate for the accused trying to mislead by stating that, death of deceased is caused due to continuous meeting with people by deceased and due to infection. Provisional cause of death certificate clearly shows that, cause of death is head injury, which is caused due to assault by accused. Hence, prayed application be rejected.

5. Heard arguments of the advocate for the accused, Ld. APP as well as perused the written notes of arguments on behalf of complainant at Exh.79. Much argument was canvassed by the advocate for the accused about the statements of the witnesses who are not eye witnesses.

He is also emphasized medical certificate of the injured Ritesh, Seema is that, patient absconded without examination and without treatment due to which assault by them is doubtful. It is pertinent to state that, not only Ritesh and Seema were injured but there are other injured Sagar Shirase, Vaibhav Waghe, Nilesh Shirase, Aditya Dhawane who have sustained grievous as well as simple injuries. In such circumstances, generalize statements cannot be made about the injuries.

6. FIR reflects that, on 01/01/2025 at about 12.30 am her son Ritesh along with his friends namely Riki Shivsharan, Aditya Dawane and Pruthwiraj Shirse were intending to proceed to Bhima Koregaon, Pune on account of Shourya Din for which they called four wheeler and all the neighbours had gathered there. At that time accused persons namely Pramod Gaikwad and his two sons namely Prasenjit alias Lucky, Harshjit alias Vicky, nephew Sonya alias Sanjay Devendra Gaikwad, Kiran/Manoj Raju Ankush as well as neighbours namely Yogesh Aswale, Shinge and present Sunny Nikambe were present near Buddha Vihar. Co-accused Ajit Gaikwad was also present there as his sons were also intending to proceed for Shourya Din.

7. The informant was having cordial relations with her neighbours namely Shirase and Shivasharan. Considering the previous quarrel, co-accused Pramod removed his waist belt and started assaulting Aditya Dawane. The informant, her son Ritesh and neighbour Riki Shivasharan tried to intervene, that time co-accused Pramod called his sons Lucky, Vicky and Sonya to bring the rods kept in the vehicle and started abusing in filthy language. Accused No. 4 Kiran @ Manoj Dilip Ankush and other co-accused started assaulting her son Ritesh by hands, iron rod and wooden log. She tried to rescue her son, but all these co-accused assaulted her. Other co-accused made her to fall on the ground and

assaulted her. That time co-accused Pramod was abusing them and assaulted her. After hearing the commotion, informant's younger son Sumit came out of the house, but applicant and co-accused assaulted the informant and her two sons. They raised voice for help, but applicant/accused No. 4 and co-accused threatened all the persons present on the spot that, if anybody will come for help, they would not leave them alive. There is great terror of the applicant/accused No. 4 and co-accused in the lane and therefore nobody came to rescue the injured and returned home. However, the informant's neighbour Nilesh Shirase and Sagar Shirase came to the rescue of injured, but applicant/accused No. 4 and other co-accused assaulted them also by iron rod. Wife of Nilesh rushed on the spot and got rescued her husband, and took him to Hospital to save his life. Sagar Shirase rushed in the house. After some time, neighbour Vaibhav Waghe came there and tried to pacify the quarrel. Kiran Ankush and other co-accused Pramod and Sonya assaulted him by iron rod and wooden log on his head with intention to kill him. As a result, Vaibhav Waghe also received injuries on his head and fell on the ground. Yuvaraj Maske came there and took Vaibhav Waghe in rickshaw to the hospital. After some time, the police arrived there and all of them went to Civil Hospital for medical treatment. Thereafter, she lodged F.I.R. against accused persons.

8. On perusal of the FIR it is seen that, present accused alongwith co-accused starting assaulting her son Ritesh by hand, iron rod and wooden log. Not only the present accused has assaulted but he has also threatened all the persons present at the spot that, if they came to help they will not leave them alive. As there was terror of the accused nobody came to the rescue. However, the informant's neighbour Nilesh Shirase and Sagar Shirase came to the rescue the injured, they were also assaulted by the present accused by iron rod. Present accused and other

co-accused Pramod and Sonya assaulted Vaibhav Waghe by iron rod and wooden log on his head with intention to kill him.

9. The role attributed to the accused is that, not only he has assaulted the injured but also restrained others from rescuing him and assaulted the persons who tried to rescue. This conduct of the accused reflects that, he has the clear intention to cause death of the deceased. It is pertinent to state that, earlier bail application preferred by this accused has been decided on merit after charge-sheet has been filed. There is no change in circumstances to consider the present application again.

10. It is contended by the advocate for the accused that, FIR does not reflect which accused assaulted the deceased. Witness Sagar Sunil Shirase has not state, accused assaulted him. However, on perusing the statement it is very clear that, accused alongwith other accused were abusing, threatening and assaulting Ashok @ Aditya Dhawane. At that time he want to rescue him. In such circumstances it cannot be said that, witness Sagar Shirase has not stated about the involvement of the accused. Considering the entire evidence which has came on record, mini trial is not expected at this stage, it is part of trial to consider the evidential value of witnesses. On perusing the spot panchnama it is seen that, the iron rod was seized from the spot. Post mortem report reflects that, there are 23 injuries on the body of the deceased and opinion as to cause of death is head injury. All these factors reflects that, deceased was injured in brutal manner which led to his death. Complainant, witness and accused are residing in same vicinity. If the accused is released on bail, possibility of pressurizing the witnesses, tampering with evidence cannot be ruled out. Considering all the above factors, I am not inclined to consider bail application as the serious offences are levied against the accused. Hence, I proceed to pass the following order.

ORDER

Application is rejected

Date : 29/06/2026

(V. S. Malkalpatte Reddy)
Additional Sessions Judge,
Solapur.

CERTIFICATE

I affirm that the contents of this PDF file are same word to word as per the original.

- (a) Name of the Stenographer : Y.V. Sital (Grade III)
- (b) Court : D.J.6 & Addl. Sessions Judge,
Solapur.
- (c) Signed by P.O. On : 29.06.2026.
- (d) Uploaded on : 29.06.2026.