

MHTH060031142025



**ORDER BELOW EXH.16 IN SESSIONS CASE NO.540/2025
CNR No.: MHTH060031142025**

Santosh Ramu Waghe + 1

... Applicants-accused.

Vs.

State of Maharashtra.

... Respondent.

1. The applicant-accused No.1) Santosh Ramu Waghe and No.2) Akshay @ Babu Pandurang Pawar have filed successive regular bail application under section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No.I-16/2025 registered for offence punishable under sections 109, 118(1), 118(2), 189(2), 191(2), 191(3), 190 (2) of The Bharatiya Nyaya Sanhita, 2023 with Tokawade Police Station.

The prosecution case, in short is, as under :

2. It transpired from the FIR that on 15.02.2025 at about 7.15 p.m. applicants-accused along with co-accused assaulted informant and his relatives by means of wooden logs, stick, catapult with intention to kill on account of previous grudge. Hence, on the report of informant, crime came to be registered against applicants-accused and co-accused.

3. On behalf of the applicants-accused, it is submitted that they are innocent and have not committed any offence. They have been falsely implicated in this crime just to harass them. There is no

direct or indirect evidence against them. There are no specific allegations against them. There is inordinate delay to lodge complaint without plausible explanation. Applicant-accused No.1 has been arrested on 16.02.2025 and applicant-accused No.2 has been arrested on 19.02.2025, interrogated and since then in magisterial custody. Nothing is left to be recovered or discovered at the instance of applicants-accused. Investigation is completed and charge-sheet is filed vide Sessions Case No. 540/2025 which is lying on the file of this court. CCTV footages do not reveal presence of accused on the spot. There is no criminal antecedent against them. Medical papers do not reveal grievous injuries on vital part. Provisions of sections 109, 118(1), 118(2), 189(2), 191(2), 191(3), 190(2) of The Bharatiya Nyaya Sanhita, 2023 do not attract against them. Offence is not punishable with death penalty. Applicants-accused are doing labour work and karta of their families. Applicant-accused No.2 is having two minor children and there is nobody to look after his family. Applicants-accused are residing permanently at the address mentioned in the application. They are ready to abide each and every conditions, as imposed by the Court. Trial will take considerable long time for conclusion. It is settled principle of Criminal Justice that bail is rule and jail is an exception. Hence, it is prayed to allow the application. In support of contention, learned advocate for applicants-accused has relied in case of Shivaji @ Shivhar Tukaram Potphale V/s. State of Maharashtra in Bail Application No. 977 of 2022 decided by Hon'ble Bombay High Court, Bench at Aurangabad on 28.07.2022.

4. The prosecution has strongly resisted the bail by filing say vide Exh.19 on the grounds that there is strong prima facie case against applicants-accused. There is involvement of applicants-

accused in commission of crime. There are specific allegations against applicants-accused that they along with co-accused assaulted informant and his relatives by means of wooden logs, stick, catapult with intention to kill on account of previous grudge. Offence is serious in nature. If applicants-accused are released on bail, then they will pressurize the informant and prosecution witnesses so also will tamper the evidence. They will again commit such type of offence. Possibility of creating hurdle during trial cannot be ruled out. Hence, it is prayed to reject the bail application.

5. Informant appeared in person and raised strong objection to the bail application on the ground that his father is still taking treatment in the hospital. He has also sustained serious injury to his teeth. If applicants-accused are released on bail then they will again commit such type of offence. Possibility of tampering evidence and pressurizing witnesses cannot be ruled out. Hence, he has prayed to reject the application.

6. Heard learned Advocate Shri. S.Y. Choudhary for applicants-accused and learned A.P.P. Smt. K.M. Khandagale for the prosecution so also heard learned advocate Shri. M.T. Chavan/informant in person.

7. Perused record and documents filed by the applicants-accused, the prosecution and informant. It reveals that there are specific allegations against applicants-accused that they along with co-accused have assaulted informant and his relatives by means of wooden logs, stick, catapult with intention to kill on account of previous grudge. Statements of the witnesses and medical papers also support the prosecution case. There is direct evidence against applicants-accused. Offence is serious in nature. Filing of charge-sheet

is no ground for bail. Under such circumstances, Possibility of tampering evidence and pressurizing witnesses so also creating hurdle during trial cannot be ruled out. Considering these facts, facts of cited case-law and facts of case in hand are different, hence with all respect, cited case-law is not helpful to applicants-accused. Hence, the applicants-accused have not made out case for exercising the judicial discretion in their favour. Hence, I proceed to pass the following order.

O R D E R

Bail application (Exh.16) under section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 is rejected.

(S. G. Inamdar)

Additional Sessions Judge,
Kalyan, Dist. Thane.

Date : 11.02.2026.