

**SESSIONS CASE NO.253/2024**

( State of Maharashtra Vs. Ganesh @ Tingya Mhasudev Pote)

**ORDER BELOW EXH.8**

1) By way of this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant/accused No.4 Ganesh @ Tingya Mhasudev Pote seeks his enlargement on bail in respect of Crime No.541/2024 (Sessions Case No.253/2024) registered with Tophkhana Police Station, Ahmednagar, under Sections-307, 324, 336, 143, 147, 148, 149, 34 of the Indian Penal Code, under Section-3, 4/25 of the Arms Act and under Section-37(1)(3)/135 of the Maharashtra Police Act.

2) It is the prosecution's case that, on 25.04.2024 a quarrel took place informant Sarvar Shaikh and accused No.1 Dhanya @ Danish Shaikh and accused No.2 Sahil on account adjustment of traveler's seats in the travels. It is alleged that on 27.04.2024 at about 12.00 night the informant and his friend Sadik Shaikh had sat on a bench at Kothala Bus Stand. As the informant received phone call, he went to front side of the bus stand and noticed accused No.1 Danish armed with axe and accused No.2 Sahil armed with another axe. Accused No.1 Danish assaulted the informant on neck with axe. Accused No.2 Sahil also assaulted the informant with axe but the informant avoided it and the blow landed on the hand of the informant. While the informant was running away, accused No.3 Ufer assaulted the informant with chopper on his back, accused No.4 Ganesh Pote assaulted the informant with chopper on waist, while the informant was further running accused No.5 Talib hit a stone on leg. While the informant approaching in a lane, he turned

back and saw that accused No.1 Dhanya fired towards him at that time, accused No.2 Sahil uttered not to avoid bullets. Apart from these accused persons, there were also three unknown persons. Sadik Shaikh uttered that police are coming, whereupon, all the accused persons ran away. While the informant admitted in the hospital, his statement came to be recorded basing on which aforesaid crime came to be recorded.

3) It is submitted by the learned advocate for the applicant that this is first application moved by the applicant for grant of bail; that the applicant has been falsely implicated on the basis of false, bogus and fabricated first information report; that co-accused No.6 and 8 have been granted anticipatory bail and co-accused No.5 and 7 have been granted regular bail and on the ground of parity, present applicant is also entitled for grant of bail, the applicant will not tamper with the prosecution evidence, misuse the liberty and will abide by the conditions that may be imposed by the court.

4) It is submitted by the learned APP appearing on behalf of the prosecution that the applicant has played active role and with axe assaulted the informant on waist causing grievous injury; that C.A. report of the examination of clothes of the present applicant and informant is yet to be received; that axe, country made pistol have been seized; that if the present applicant is released on bail, he will tamper with the prosecution evidence, may not be available for trial and may commit similar type of offences; that against present applicant there are eight crimes registered amongst them one is of murder and others are of robbery and dacoity and under Arms Act and that having regard to the bad antecedents of the applicant

release of the applicant will not be warranted in the eyes of law.

5) It is submitted by the learned advocate for the informant that the applicant and the informant hail from this city; that if applicant is released on bail certainly, he will tamper the prosecution evidence and may finish the informant while on bail; that the present applicant and co-accused persons used deadly weapons in commission of the crime with intention of murdering the informant and that facts and circumstances of the case will not warrant release of the applicant on bail.

6) The first information report and statement of informant and witness, his friend disclose that present applicant assaulted the informant with chopper on waist. The injury certificate of the informant shows that in all he has sustained eight injuries. Injury No.1 has been certified by the doctor to be grievous one which is on neck whereas other injuries have been certified by the doctor as simple in nature. Injury No.6 and 7 have been caused on buttock. In the CCTV footage present applicant is seen in the company of other co-accused persons. Past record of the applicant is not at all sound enough and against him there are about eight crimes registered for robbery, dacoity and murder. There being direct evidence about the involvement of the present applicant in the crime, the applicant having caused injury to the informant and past record of the applicant being not sound release of the applicant on bail will not be warranted in the eyes of law. If the applicant is released on bail, he will tamper with the prosecution evidence. Remaining accused persons are yet to be arrested. The case of the accused persons who have been granted anticipatory bail and regular bail being different

one, the applicant is not entitled for grant of bail on the ground of parity. Thus, finding no force in the submissions of the learned advocate for the applicant, following order is passed.

**ORDER**

1. The bail application Exh-8 is hereby rejected.

Date : 06.01.2025

Place : Ahmednagar.

( **C.M.Bagal** )

Additional Sessions Judge,  
Ahmednagar JO Code-MH00070