

MHAH010058642024



**ORDER BELOW EXH.125 IN SESSIONS CASE NO.253/2024**

(The State Vs. Dhanya @ Danish Shaikh and Ors.)

(Passed on 12<sup>th</sup> May, 2026)

1. The accused no.4 Ganesh Mhasudev Pote has filed this application seeking the relief of regular bail.

2. The disclosure of material particulars of the applicant as per direction given by Hon'ble Supreme Court in the case of **Zeba Khan Vs. State of U.P. and ors. 2026 INSC 144.**

**A) Case Details :-**

**FIR No. and Date :-** Crime no.541/2025, 28.04.2025.

**Police Station, District and State:-**Tophkhana,Ahilyanagar, Maharashtra.

**Sections invoked :-** 307, 336, 324, 143, 147, 148, 149, r/w.34 of the Indian Penal Code, 1860 and Section 3/25, 4/25 of the Arms Act and Section 37(1)(3) of Maharashtra Police Act.

**Maximum punishment prescribed :-** Section 307 of the IPC prescribed life imprisonment.

**B) Custody & Procedural Compliance :-**

Date of Arrest – 26.05.2024.

Total period of custody undergone – 1 year 11 months and 10 days.

**C) Status of trial :-**

Stage of proceeding (investigation/ chargesheet/ cognizance/ framing of charge/ trial) – Trial.

Total Number of witnesses cited in the charge-sheet - 25

Number of prosecution witnesses examined - --

**D) Criminal antecedents :-**

FIR No. and Police Station – Details are not given by the applicant as well as prosecution.

Status(pending/acquitted/convicted) – --

**E) Previous bail applications :-**

**E(i)** Court – District and Sessions Court, Ahmednagar.

Case No. – S.C.No.253/2024 vide Exh.8

Outcome of Case – Rejected on 06.01.2025.

**E(ii)** Court – Hon'ble High Court Bombay Bench At Aurangabad.

Case No. – Cri. Bail No.385/2025.

Outcome of Case – Rejected on 05.05.2025.

**E(iii)** Court – Hon'ble High Court Bombay Bench At Aurangabad.

Case No. – Cri. Bail No.1145/2025.

Outcome of Case – Rejected on 17.10.2025.

**F) Coercive Processes :-**

Whether non-bailable warrant was issued – No.

Whether declared a proclaimed offender – No.

3. As per FIR, it is alleged against the applicant and other accused that the informant Sarvar Shaikh is in business of Tours and Travels. On 25.04.2024 the informant had quarrel with the accused Danish Shaikh and Sahil on issue of passengers at Maliwada bus stand. Thereafter on 27.04.2024 at about 12.00 noon the informant and his friend Sadik Shaikh had sat across the table at Kothala. The informant received a call on mobile, therefore he went aside and was seeing his mobile. At that time accused Danish came armed with sickle and gave a blow of it on the neck of the informant. Thereafter the accused Sahil gave a blow of an axe which was avoided by the informant with hand and the blow rested at his hand. When the informant was running from the spot, accused Ufer @ Lala gave a blow of chopper on the back of the informant. The present applicant Ganesh Pote gave a blow of chopper on the waist of the informant. Still the informant was running from the spot. At that time, accused Talib threw a stone towards the informant which stroke on his leg. When the informant was running in a lane, he turned

back and saw that accused Danish shot bullets from gun. Thereafter people gathered and took the informant to Saideep Hospital, Ahmednagar. On next date, informant gave report to the police.

4. At the time of argument, the learned advocate for the applicant argued that the applicant has not committed any offence. The investigation of the crime is completed, therefore further custody of the applicant is not necessary. During the investigation nothing was recovered or discovered at the hands of present applicant. He further argued that he is ready to abide the conditions of bail. Hence, he prayed for bail.

5. The learned APP filed his reply and strongly opposed the application. He argued that as per the statements of the informant and his friend i.e. prosecution witness, the applicant assaulted the informant with chopper on waist. Injury certificate of the informant shows that in all eight injuries are sustained to the informant, out of which injury no.1 on the neck is mentioned as grievous. He further argued that the applicant has suppressed the material fact that his previous bail applications were rejected by the Sessions Court as well as Hon'ble High Court as there is no change in circumstances. Hence, he prayed to reject the application.

6. Perused charge-sheet. The applicant is in jail since 26.05.2024. As per the order of our Hon'ble High Court while deciding Bail Application No.1145/2025, it was directed to decide the case as early as possible within a period of one year from 17.10.2025. Afterwards, on 20.02.2025 this Court had separated the trial of accused no.1, 2, 3 and 5 as being absconded. On 03.12.2025 this Court framed charge against accused no.4, 6, 7 and 8 including this applicant. On 20.12.2025 this Court suo motu issued summons to the informant. The informant appeared and asked for adjournment. Even, the learned APP submitted that he is unable to examine other witnesses than the informant. On 27.02.2026 the learned APP filed his explanation as asked by this

Court. He submitted that in absence of the muddemal property the prosecution is unable to examine witnesses. Because of this situation, the trial could not be started. The applicant can not be kept behind bar for indefinite period. Even, till today the prosecution failed to examine the witness. In such circumstances, the applicant is entitled for bail. Hence, the following order.

**ORDER**

1. The applicant is released on bail on furnishing personal bond of Rs.1,00,000/- (Rs.One Lakhs only) with one solvent surety in the like amount.
2. The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the Court.
3. The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
4. The applicant, upon being released on bail, shall place on record the details of his contact number and residential address.
5. Inform to the concerned Police Station and Jail Authority accordingly.

(Dictated and pronounced in open Court).

( **A. M. Patil** )

Date : 12.05.2026  
Place : Ahmednagar.

Additional Sessions Judge,  
Ahmednagar JO Code-MH02456