

MHAH010062722024

**Order below Exh.4 in Sessions Case**

**No.273/2024**

( Sukhdev Ramdas Khiladkar & Ors. Vs. The  
State of Maharashtra)



1. The applicant-accused **Sukhdev Ramdas Khiladkar** moved this second application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*Hereinafter referred as 'BNSS' for brevity*) for grant of bail in connection with Crime No.825/2024 registered at Rahuri Police Station, Tal. Rahuri, Dist. Ahmednagar for the offences punishable under section 310(4) & 310(5) of Bharatiya Nyaya Sanhita, 2023 (*Hereinafter referred as 'BNS' for brevity*).

2. As per prosecution, the applicant and other accused persons made preparation to commit dacoity and had assembled at the place for the purpose of committing dacoity. On receipt of secret information, raid was conducted on 18.07.2024 at 05:15 a.m. on Manmad-Rahuri road, near Sai-Govind hotel, Guha, Tal. Rahuri, Dist. Ahmednagar wherein the applicant and other accused persons were found with the instruments which can be used for commission of offence of dacoity. Hence, the applicant-accused Sahil Sayyed and others were apprehended and the muddemal in their possession of worth Rs.6,72,924/- came to be seized. Other accused ran away from the spot and report came to be lodged against accused persons at Rahuri police station.

3. The Ld. Advocate for the applicant-accused submitted that the applicant has committed no offence. He has been implicated in a false case. He has no concern with alleged crime. The allegations in

FIR does not reflect that the applicant was preparing any offence of dacoity. Nothing is to be recovered at the instance of applicant. The investigation is over and charge-sheet has been filed. No purpose would be served by keeping the applicant behind bar. The applicant has movable and immovable property and there is no possibility of his abscondance. He has not been convicted in any crime. He is ready to abide conditions imposed by this Court. Hence, it is requested to grant him bail.

4. The application is resisted by the A.P.P. by filing its say below **Exh.10**. It is contended by him that the offence in question is serious one. The applicant was found with the articles which can be used for commission of offence of dacoity. The instruments which can be used for dacoity though have been seized. The applicant has criminal antecedents. If he is released on bail then he would commit similar offence. As also, he would abscond and will not attend the Court for trial. Not only this, if the applicant is released on bail then he may pressurize the witnesses and tamper the evidence. Previous bail application of the applicant has been rejected. Mere filing of charge-sheet is not a ground to grant bail. Hence, it is requested to reject the application.

5. I have carefully considered the submissions advanced by both sides. Gone through the documents filed on record. It appears from record that the statement of witnesses have already been recorded. The muddemal has already been recovered. The investigation of crime has been completed and the charge-sheet has already been filed in the Court on 14.09.2024. At the time of rejection of previous bail application of the applicant, the

investigation of the crime was at preliminary stage and was in progress. However, now the investigation has already been completed and charge-sheet came to be filed in the Court. As such there is change in the circumstances. The applicant herein has been apprehended on 18.07.2024 by the police. Since then he is behind bar. Considering all these facts, keeping applicant behind bar would serve no purpose.

6. It is vehemently submitted by Ld. APP that the applicant has criminal antecedents. Therefore, if applicant is granted bail then there is possibility of his abscondance and commission of similar crimes. He therefore requested to reject the application. The Ld. APP has given particulars of the crimes registered against the applicant in his say. The Ld. Counsel for applicant on this vehemently submitted that mere on the basis of criminal antecedents, bail cannot be rejected. The applicant has deep roots in the society and there is no possibility of his abscondance. There is no prima-facie material on record to show involvement of applicant in alleged crime. In such circumstances, by imposing stricter conditions, bail can be granted. In support of his submission, the Ld. Counsel for applicant sought to rely on the ratio laid by Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi Vs. State of U.P. & Anr. [2012 (2) B.Cr.36 (S.C.)]*. I carefully gone through the same. The Hon'ble Apex Court therein held that “*Merely on the basis of criminal antecedents, bail cannot be rejected. The Court has to find out the role of the accused in case in which he has been charged and other circumstances such as possibility of fleeing away from jurisdiction of the Court*”. I do rely on said ruling.

7. In addition to above, the ground put-forth by prosecution that the offence in question is serious one is not sufficient to deny the bail. The accused appears to have deep roots in the society. In the circumstances, there appears no possibility of his fleeing from the course of justice. The other apprehensions of the prosecution can be taken care of by imposing necessary stricter conditions. Hence, I proceed to pass the following order -

### O R D E R

- 1) The application is allowed.
- 2) The applicant-accused namely **Sukhdev Ramdas Khiladkar** be released on bail on his furnishing Personal Bond of **Rs.50,000/- (Rs. Fifty Thousands only)** and one surety of the like amount in Crime No. 825/2024 registered at Rahuri Police Station, Tal. Rahuri, Dist. Ahmednagar for the offences punishable under section 310(4) & 310(5) of Bharatiya Nyaya Sanhita, 2023 on following conditions :
  - i) The applicant shall not pressurize the witnesses or tamper the evidence in any manner.
  - ii) The applicant shall not commit similar offence.
  - iii) The applicant shall furnish his registered mobile number and residential address alongwith address proof in the Court.
  - iv) The applicant shall not leave the jurisdiction of this Court without prior permission.
- 3) Breach of any of the above conditions would entail cancellation of bail.

Date :- 21/10/2024.

( Makarand R. Mandawgade)  
Additional Sessions Judge,  
Ahmednagar.