

MHAH010062722024

Order below Exh.8 in Sessions Case
No.273/2024



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

1. The applicants-accused **Arun Balasaheb Barde, Somnath Ramdas Gaikwad and Shaktiman Ramdas Gaikwad** moved this 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 applicants 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 applicants 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 applicants-accused submitted that the applicants have committed no offence. They have been

implicated in a false case. They have no concern with alleged crime. The allegations in FIR does not reflect that the applicants were preparing any offence of dacoity. Nothing is to be recovered or discovered at the instance of applicants. The investigation is over and charge-sheet has been filed. No purpose would be served by keeping the applicants behind bar. The applicants have movable and immovable property within the jurisdiction of this Court and there is no possibility of their abscondance. They have not been convicted in any crime. They are ready to abide conditions imposed by this Court. Hence, it is requested to grant them bail.

4. The application is resisted by the A.P.P. by filing its say below **Exh.9**. It is contended by him that the offence in question is serious one. The applicants were 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 applicants have criminal antecedents. If they are released on bail then they would commit similar offence. As also, they would abscond and will not attend the Court for trial. Not only this, if the applicants are released on bail then they may pressurize the witnesses and tamper the evidence. 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. The applicants herein

have been apprehended on 18.07.2024 by the police. Since then they are behind bar. Considering all these facts, keeping applicants behind bar would serve no purpose.

6. It is vehemently submitted by Ld. APP that the applicants have criminal antecedents. Therefore, if applicants are granted bail then there is possibility of their 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 applicants in his say. The Ld. Counsel for applicants on this vehemently submitted that mere on the basis of criminal antecedents, bail cannot be rejected. The applicants have deep roots in the society and there is no possibility of their abscondance. There is no prima-facie material on record to show involvement of applicants in alleged crime. In such circumstances, by imposing stricter conditions, bail can be granted. In support of his submission, the Ld. Counsel for applicants 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 applicants appear to have deep roots in the society. In

the circumstances, there appears no possibility of their 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 applicants-accused namely **Arun Balasaheb Barde, Somnath Ramdas Gaikwad and Shaktiman Ramdas Gaikwad** be released on bail on their furnishing Personal Bond of **Rs.50,000/- (Rs. Fifty Thousands only) each** and one surety of the like amount each 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 applicants shall not pressurize the witnesses or tamper the evidence in any manner.
 - ii) The applicants shall not commit similar offence.
 - iii) The applicants shall furnish their registered mobile numbers and residential address alongwith address proof in the Court.
 - iv) The applicants 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.