

**Special Case No.304/2023**  
**State of Maharashtra Vs. Yogesh Kailash Kharat**

**Order below Exh.71:**  
( Delivered on 19.06.2024)

1) This is an application for regular bail under section 439 of the Code of Criminal Procedure, 1973 in Crime CR.No.I-641/2023 dated 13.06.2023 (Special Case No.304/2023) registered with Rahuri Police Station, Tal. Rahuri, Dist. Ahmednagar, for the offences punishable under section-395, 394, 364(A), 323, 341, 427, 504, 506, 34, 120(b), 325 of the Indian Penal Code, under Section-37/135 of the Bombay Police Act and under Section-3(1)(ii), 3(2), 3(4) of MCOCA Act.

2) The prosecution alleged that, on 12.06.2023 complainant Anil Ghadage was having cash of rupees three lakh with him and he obtained rupees six lakh by way of hand loan. Thereafter, at 8.30 p.m. when he was proceeding by his car towards Rahuri with his car driver at 9.30 p.m. near Petrol Pump at Mula Dam Phata one silver/white Car came across his Briza car. Four persons get down from that car having their faces covered and armed with scythe. Out of them, one person broken driver side rear window glass and opened the door. Then driver of his car was forcibly taken away and made to sit by his side and to their either side two persons sat and remaining two sat on front seat. Then those persons taken search in his bag and taken away cash amount of Rs.9,00,000/-, his gold chain, gold ring and after roaming in the car for half and hour their clothes were taken away and they were driven out from the car. They were beaten by hard and blunt object. Driver was also beaten by fist and kick blows. They further told that

they had taken contract to kill complainant and asked him to give more amount by calling it through his friends, brothers, etc. otherwise they will kill him. Thereafter, again they were made to seat in the car. One tape was tied on their eyes and ordered not to remove it for next ten minutes and then they left from that spot. Thereafter, complainant went to Rahuri Police Station and lodged report. Accordingly, this offence came to be registered. Accordingly, this offence came to be registered.

3) The learned advocate for applicant submitted that he is innocent and has not committed any offence. There is no direct or indirect evidence against the applicant. The complaint is bogus and concocted. He has no concern with the offence. He was remanded to sufficient police custody. No incriminating article was recovered from him. Police are making show of investigation. The applicant is from reputed family. He is only earning member and karta of his family. He is permanent resident of Shirdi having movable and immovable property. The investigation is completed and charge-sheet is submitted. His physical custody is not necessary. Therefore, he may be released on bail.

4) The prosecution submitted reply (Exh-79) alleging that, accused Yogesh is a habitual offender. Earlier he was granted bail in other offences. But he committed this offence. There is possibility of his committing crime again. Accused No.9 and 10 belongs to his gang and are still absconding. Accused is the gang leader. He can threaten or pressurize the witnesses. The investigating officer needs to locate other accused and witnesses. The property purchased out of the proceeds of the crime is to be unraveled. There is strong prima facie evidence against this accused. Hence, the application may be rejected.

5) The complainant appeared and filed protest petition vide Exh-83 strongly opposing the application.

6) After hearing both parties it transpires from remand papers that, the gang leader Yogesh is the main accused. Some of the accused are still absconding. Recently, accused Akash Shinde was arrested. The stringent provisions of MCOC Act are attracted. The accused are engaged in organized crime syndicate and therefore, it appears that, if he is released, he will engage in his old business of committing crime, for which already prima facie there is sufficient material on record. There is every possibility that, he will threaten the complainant and witnesses. The activities of the accused of preferring one application after the other, have already delayed the trial. He is responsible for not proceeding with the trial at its earliest. Therefore, he is not entitled for bail. Hence, following order;

**ORDER**

The Bail Application Exh-71 is rejected.

Date : 19.06.2024  
Place : Ahmednagar

( **Niranjan R. Naikwade** )  
Additional Sessions Judge,  
Ahmednagar JO Code-MH01063