

MHAH070004632025

**ORDER BELOW EXH. 76 IN SESSIONS CASE NO.17/2025**

(State Vs. Akshay and others)

01. Accused No.5 Ajay Balu Devkar has sought regular bail.

02. The first information reveals that on 11.11.2024 while the informant was in his jewellery shop and was dealing with his customers, five unknown persons who had their face covered and wearing hand gloves suddenly entered informant's jewellery shop. Three of those unknown persons were carrying country made pistol. One of them, pointed it out at the informant and threatened him to sit down. That person also threatened the customers to keep quite and sit down. One of the accused person started taking out gold and silver ornaments and was keeping them on the counter. The three unknown persons filled up those ornaments in the bag that they were carrying. They took away ornaments worth Rs. 52,41,600/- and while fleeing away on two motorcycles fired three times. Accordingly, an offence was registered on 11.11.2024.

In the course of investigation involvement of the present applicant along with other accused was discovered and accordingly they have been charge-sheeted.

03. The applicant has averred that, he has been falsely implicated and that no *prima facie* case is made out against him. There has been considerably delay in lodging the first information report. The alleged involvement of the applicant is based on so called confessional statement of co-accused, while in police custody. Co-accused Sunil, Yogesh, Swapnil and Surajsingh @ Ajaysingh have been enlarged on

bail and the applicant too is entitled for bail on the grounds of parity.

The applicant has filed copies of remand reports and has relied on an order dated 30.06.2023 of the *Hon'ble Bombay High Court in Bail Application No 1120/2023* in *Ramkaran Chhotelal Prajapati Vs. State of Maharashtra*, to support his case of relief on the grounds of parity.

04. The Prosecution by filing reply at Exh.77 has strongly opposed grant of bail and has averred that, the offence was committed as a part of well conceived conspiracy, of which accused No.8 is the mastermind. Accused No.8 is yet to be arrested. Out of the stolen muddemal, muddemal to the tune of 195.250 grams has been recovered. The offence being very serious and there being sufficient material, the applicant is disentitled for bail. In addition it is averred that, the applicant has criminal antecedents, and is therefore, disentitled for bail.

05. I have heard Advocate Mr. M.M. Khan for the applicant, Advocate Mr. S.A. Wakchuare, APP for the State and perused the record.

06. From the prosecution case, it is revealed that, the present applicant is alleged to be a co-conspirator, who is instrumental in arranging the motorcycles used in the commission of the offence. His role as such conspirator and participant in the actual commission of the offence, is based on an alleged confessional statement of the co-accused, which is extracted while the said accused was in police custody. It is material to note that, admittedly, the provisions of MCOC Act were invoked against the accused, however, for want of sanction they were not charged under the said enactment.

07. A country made pistole is alleged to be recovered from the applicant/accused No.5. Their particulars of arrest are contradicting as can be seen from the remand report and the discovery panchnama. Accused No.9 Surjit @ Suraj @ Munna who is alleged to have fired from his pistole at the time of alleged commission of offence, has been enlarged on bail vide order dated 14.10.2025 below Exh.47 in the present matter. Similarly, co-accused Swapnil (accused No.2) who is also alleged to have used the fire arm, has been enlarged on bail vide Cr.Bail Application No. 225/2025. As compared to the role attributed to the accused enlarged on bail, the role of the present applicant seems to be limited. The ratio of ***Ramkaran (supra)*** is thus, squarely applicable. This assumes significance on the backdrop that the investigation is complete and charge-sheet has been filed.

08. As far as the Prosecution's apprehension and criminal antecedents of the applicant are concerned, Advocate Mr. Khan for the applicant has rightly relied on Supreme Court's pronouncement in ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [JT 2020 (2) SC 72]***, wherein it has been held that seriousness of offence and pendency of several cases against accused cannot be the factors which by themselves would disentitle grant of bail. As discussed herein above there is no material so as to disentitle the applicant from being enlarged on bail.

09. However, in order to ensure that safety of witnesses and the societal concerns which are pitted against personal liberty of the accused, are balanced imposition of stringent conditions would meet the ends of justice. Accordingly, I proceed to pass following order :

ORDER

- A. Application Exh.76 filed by Ajay Balu Devkar, in Sessions Case No. 17/2025 in connection with CR No. 402/2024,

registered with the Ghargaon Police Station, u/Ss. 310(2), 61(2), of the Bharatiya Nyaya Sanhita and under Section 3/25, 7/25, 27 of the Arms Act, is allowed and he be released on bail on his furnishing PB and solvent surety of ₹80,000/- (Rupees Eighty Thousand only) each, subject to following conditions:

- 1) On being released, Applicant shall attend the Sessions Case No. 17/2025, unless exempted.
 - 2) Applicant shall not commit an offence similar to the offence of which he is accused or suspected.
 - 3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.
 - 4) Applicant shall not leave India, without prior permission of the trial Court, till conclusion of trial.
 - 5) Applicant shall not enter geographical limits of village Sakur, Tal. Sangamner, Dist. Ahilyanagar till conclusion of trial.
- B. Bail in trial / committal Court. Inform all concerned accordingly. Humdast allowed.

Sangamner.
Date : 20/03/2026.

(Dhananjay A. Deshpande)
District Judge-2 & Additional
Sessions Judge, Sangamner.