

IN THE COURT OF SESSIONS AT AKOLA.

(Presided over by Smt. S.R. Pahade, Addl. Sessions Judge)

S.T. No. 28/2026

**The State of Maharashtra
Vrs.
Chandrakant and others**

Applicants-1] Narayan Ganesh Mesre
2] Shivhari @ Shiva Ravindra Mali

ORDER BELOW EX.02

[Passed on 09.03.2026]

1. This is regular bail application under S.483 of Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with crime No.337/2025 registered with PS.Ural, Tq. Balapur, Dist. Akola for the offences punishable under Sec. 103(1), 140(1), 238, 61(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 read with Sec. 3,4,25,27(3) of Arms Act.
2. It is contended by the applicants that they are permanent resident of above address mentioned in the application. The applicants are peace loving and law abiding citizen having deep root in the society. They have no criminal antecedents. There is no prima-facie case made out against the applicants. Earlier bail application of applicant No.1 was rejected as the investigation was going on. However, now the charge-sheet is filed and investigation is completed. The FIR lodged by I.O. is contrary to the facts and

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circumstances of the present case. The Investigating Agency has changed the version from time to time just to show the involvement of the accused persons in the alleged offence. There is no cause of death available on record to justify the alleged confessional statement. Prosecution is not sure about the cause of death in respect of the alleged use of the weapons. No material available to show the involvement of the present applicants. No recovery of any of the incriminating material against the present applicants. Investigating Agency has filed the charge-sheet only on the basis of suspicion against the present applicants. Charge-sheet is filed and investigation is completed. There is no cogent, legal and admissible evidence on record to show the involvement of the present applicants in commission of the offence. The applicants have to maintain their family members and due to detention of the applicants, their family members are suffering the inconvenience and hardship. They are ready to furnish the solvent surety to the satisfaction of the Court and ready to abide any condition which may imposed by this Court. Hence, they prayed for regular bail.

3. The respondent/State opposed the bail petition by filing say at Exh. 06. It is submitted that the offence is serious. Some unknown person pelted stones on the house of witness and gave threatening

to the witness, therefore, non-cognizable offence came to be registered in Police Station Dabki Road, Akola. There is possibility of pressurizing the witnesses. There is possibility that accused might be delete the data from the seized mobile. The mobile came to be sent for examination to the Forensic Laboratory at Amravati. The report is yet to be received. In CCTV Footage, it is seen that accused Narayan Mesre and Rohit Parate were going to destroy the bone immersion of the deceased. The offence is serious. There is punishment of life imprisonment and death sentence. There is possibility of absconding of accused. As per CDR, the accused found in the area of the spot of incident and they were in contact with each other. On these grounds, the respondent/State has prayed for rejection of the application.

4. Heard the learned advocate Mr. Dildar Khan appearing on behalf of the applicants/accused and the learned A.P.P. Mr. Fundkar for the State.
5. It is submitted on behalf of the applicants that there is no prima-facie evidence against the applicants. He placed reliance on the cases of **Nana Somnath Trimbake Vs. State of Maharashtra**, reported in 2009 ALL MR (Cri) 434, **Irfan Shamimullah Shaikh Vs. State of Maharashtra**, reported in 2010 All MR (Cri) 1798, **Mohammad Asgar s/o. Abdul Jabbar**

Ansari Vs. State of Maharashtra, reported in 2004 All MR (Cri) 646 and Pancho Vs. State of Haryana with Pratham Vs. State of Haryana, reported in 2012 CRI.L.J.832. I have also gone through the charge-sheet and case-laws produced before the Court.

6. As per FIR, accused in collusion with each other called deceased Akshay Nagalkar on the pretext of dinner in Hotel MH 30 Star and they all gave blow by knife and weapons on his head, chest and stomach and killed him. Thereafter, they carried his dead-body in the car and destroyed it with fire. The bone immersion of the deceased also destroyed. They destroyed the evidence of incident.
7. On perusal of charge-sheet, three country made pistol, cartridge, mobile and motorcycle came to be seized from the possession of the accused. The Forensic Report is received from Laboratory. There is audio recording in the mobile in respect of conspiracy to kill the deceased. Voice samples of the accused came to be seized and sent for Forensic Report. The DNA report is matching with accused Chandrakant Borkar and Rohit Parate. The statement of witnesses are recorded. The CCTV Footage is sent for examination in Forensic Laboratory.
8. I have gone through the cases cited on behalf of the applicants, the facts of the present case are different. The citations are based on extra judicial

confession. In the present case as per prosecution case, the CDR shows the presence of accused on the spot of incident.

9. The case is based on circumstantial evidence. Record shows that there is prima-facie sufficient material against the accused Previous bail application of the accused/applicant No. 1 was rejected. The applicant has not challenged the said order before the Higher Court. Considering the gravity of offence and the punishment, this is not a fit case to exercise discretion in favour of the applicants. The offence is serious. There is possibility of threatening the witnesses and tampering the prosecution evidence from the applicants if they are released on bail. In such circumstances, I come to the conclusion that he applicants failed to make out a case for grant of bail. With this, I proceed to pass the following order.

ORDER

Application stands rejected.

(Smt. Sangita R. Pahade)

Date : 09.03.2026 Additional Sessions Judge, Akola.

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Certificate

I hereby certify that the contents of this PDF file are same word for word as per original order:

Name of Steno	:	Shamim Sayed
Court's Name	:	District Judge-2 & A.S.J., Akola
Date	:	09.03.2026
Signed by PO	:	09.03.2026
Uploaded on	:	10.03.2026