

MHAU160005452026



Sessions Case No.07/2026

State of Maharashtra

Vs.

[1] Kanifnath Manik Mavas

[2] Yogesh Kalyan Nage

ORDER BELOW EXH.4

Accused No.2 - Yogesh Kalyan Nage has filed this application for grant of bail under Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

[2] Deceased – Rahul was the brother of the informant Mahesh Navthar. On 16.09.2025 at about 10:00 a.m. deceased Rahul met the informant near water filter plant of one Bhalekar. At that time, the informant inquired with him as to where he was going. In response the deceased replied the informant that he was going to village Bhivdhanora and then the deceased left.

[3] On the say day at about 06:00 p.m. one Bhausahab Pachpute and Santosh Pachpute took the informant on their motorcycle. They reached near the field of one Narayan

Chawan at village Bhivdhanora. The informant saw that there was a crowd. On the road, he saw *Chappal* of his brother – deceased Rahul. Then, he found that Rahul was lying in the crop of Soyabin. Since, Rahul was drunkard, the informant thought that, he might be lying there under the influence of liquor. Therefore, the informant went to Rahul and attempted to wake him up. But, he found that there small holes on the stomach and chest of Rahul. Deceased - Rahul was lying motionless.

[4] Then, the informant came to know from the people gathered there that since morning the deceased along with accused No.1 – Kanifnath Mavas and accused No.2 - Yogesh Nage along with two other persons were drinking liquor at “Niyati Beer-Bar” at village Bhivdhanora. Thereafter, at about 3:00 to 04:00 p.m. accused Kanifnath and Yogesh along with deceased Rahul came to the field of Narayan Chavan for drinking liquor. At that time, there had been quarrel between the deceased and accused – Kanifnath and in the said quarrel accused – Kanifnath fired from gun on the deceased and killed him. Accused No.2 - Yogesh Nage helped the accused No.1 in this crime.

[5] On the next day, the informant lodged FIR against the accused persons. Accordingly, C.R.No.378/2025 came to be registered.

[6] Police investigated the crime. They arrested this accused on 17.09.2025. He is in Judicial Custody. Investigation is completed and charge-sheet is filed. Therefore, he has filed this application for grant of bail.

[7] I have heard both the sides and perused the material placed on the record.

[8] Learned Advocate for the accused submitted that, the accused is innocent. He has no concern with this crime. He was forwarded to police custody remand, however, nothing incriminating was seized from him. There is no direct or indirect evidence to show that, the accused helped accused No.1- Kanifnath in this crime. Investigation is completed and charge-sheet is filed. Therefore, nothing is remained to be discovered or recovered from the accused. Hence, further custody of the accused is not necessary. The accused is permanent resident of village Bhivdhanora, Tq. Gangapur and having no criminal antecedents. He is ready to abide all the conditions, which will be imposed by this Court. On these grounds, he prayed for grant of bail.

[9] On the other hand, learned APP has submitted that, nature of the offence is serious. There is prima facie material on record to show the involvement of the accused in this crime. During the investigation the Investigating Officer recorded

statements of the witnesses by name – Deepak Bagchand Chavan, Vitthal Waman Chavan and others. They state that, they saw this accused running away from the spot of the incident. Thereafter they went there and saw deceased – Rahul lying on the spot in a pool of blood. Moreover, there is CCTV footage to show that this accused and other accused persons were accompanied to the deceased in the Beer-Bar. Thus, there is ample evidence against the accused. In the circumstances, if the accused is granted bail possibility of his absconding and tampering with the prosecution evidence cannot be ruled out. On these grounds, he prayed that application may be rejected.

[10] No doubt, there is no evidence to show that, accused – Kanifnath fired from the gun and killed the deceased. The case of the prosecution is mainly based on the circumstantial evidence. Following are the circumstances to show that, the accused was involved in this crime:-

(i) During the investigation the Investigating Officer collected CCTV footage of Niyati Beer-Bar which shows that, this accused and other accused persons were accompanied to the deceased in the Beer-Bar and they were drinking liquor together.

(ii) Statement of witnesses – Deepak Bagchand Chavan and Vitthal Waman Chavan show that, on the relevant date and time they along with other persons were drinking liquor near the field of Narayan Chavan. At that time, they heard 3-4 sounds of fire. Thereafter, they saw that, accused – Yogesh Nage

and Kanifnath Mavas were running away from the field of Narayan Chavan towards village – Bhivdhanora. Sometime, thereafter, when they went to the spot i.e. in the field of Narayan Chavan, they saw deceased – Rahul was lying there and he was having holes on his chest and stomach. There was bleeding and deceased Rahul was lying in the blood.

(iii) Postmortem report shows that the deceased was died due *“Heamorrhage and shock due to fire arm injuries”*.

[11] Considering the above incriminating circumstances, it appears that, this accused and other accused were accompanied to the deceased for many hours before his death and after killing the deceased this accused and accused – Kanifnath Mavas were found running away from the field of the Narayan Chavan i.e. the spot where the dead body was found. Therefore, I am of the opinion that, there are reasons to believe that the accused was involved in the murder of deceased Rahul. Nature of the offence is serious. No doubt, investigation is completed and charge-sheet is filed. However, considering the nature of the offence and prima facie material available on the record against the accused, filing of the charge-sheet cannot be the sole ground to grant bail. I am also of the opinion that, in the above mentioned circumstances, if the accused is released on bail, possibility of his absconding and tampering with the prosecution evidence cannot be ruled out.

[12] Having regard to the above mentioned facts and circumstances of the case, I am of the opinion that the accused is not entitled for grant of bail. I, therefore, pass the following order:-

ORDER

Application (Exh.4) is rejected.

Date :- 27.04.2026

(S.B. Bahalkar)
Additional Sessions Judge,
Gangapur,
Dist. Chhatrapati-Sambhajanagar