


<b>MHBI010020102025</b> 	<b><u>SPECIAL CASE No. 108 of 2025</u></b>  <b>Vijay Rama Gavhane</b> <b><u>Vs.</u></b> <b>The State of Maharashtra.</b>
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**ORDER BELOW EXHIBIT 14.**

This is a regular bail application filed by applicant/ accused No. 1 Vijay Rama Gavhane under Section 483 of Bhartiya Nagrik Suraksha Sanhita in connection with C.R. No.108/2025 registered with Police Station, Talwada Tq. Georai Dist Beed for the offences punishable under Sections 113, 298, 299, 196, 326(g), 351(2), 351(3), 352, 61(2) read with Section 3 (5) of Bhartiya Nyaya Sanhita (for short BNS) and under Sections 3, 4, 5 of the Explosive Substance Act and under Sections 15, 16, 18 of Unlawful Activities Prevention Act ( for short UAPA).

2) According to the prosecution on 30/03/2025 informant Rashedali Hussain Sayyad lodged the report with Talwada Police Station Tq. Georai Dist Beed. He alleged therein that on 29/03/2025 during procession of 'Sandal' in the village Ardhmasala around 09-30 p.m. present applicant and one Vijay Rama Gavhane abused persons in the procession on caste basis and gave threats to demolish the Masjid otherwise they will demolish it. He further alleged that on 30/03/2025 at about 02-30 a.m. sound of blasting came from the Masjid. Therefore informant and others went towards the Masjid and they saw smoke coming out of the Masjid. They entered the Masjid and saw that doors, windows, fans and other articles in the Masjid were broken and scattered. One Sayyad Mazhar informed that before

sometime he saw present applicant and co-accused Shriram Ashok Sagade fleeing from near the Masjid. Thereafter present applicant posted one video on his Instagram account showing himself with gelatin sticks. The applicant and co-accused Shriram Sagade conspired together and effected blast of gelatin sticks in the Masjid. Accordingly the report.

**3)** Ld. Advocate for the applicant/accused argued on the line of the bail application. He submitted that the applicant is innocent and has not committed alleged crime. The applicant is falsely implicated in the crime due to political rivalry in the village. The applicant is 22 years of age and has no criminal antecedents. There is no eye witness to the alleged incident and on suspicion applicant is arrested. There is unexplained delay to lodge the FIR. The applicant is arrested on 30/03/2025 and since then he is behind the bars. Investigation is completed and charge-sheet is filed. So further detention of the applicant in Jail is not necessary. Moreover father of applicant is suffering from paralysis and mother of the applicant is handicapped. The applicant is only earning member of his family. The applicant is ready to obey any conditions and prayed to allow the application. In support he relied on case of **Union of India Vs. K. A. Najeeb {Criminal Appeal No.98/2021 DD 01-02-2021 SC}** wherein the Hon'ble Apex Court observed that when there is significant delay in trial and the accused has already spent a substantial period in custody, constitutional courts (High Courts and Supreme Court) retain the power to grant bail.

**4)** Ld. Advocate for the informant submitted that the applicant

and co-accused Shriram Sagade were seen fleeing from the Masjid at the relevant time. Thereafter present applicant posted video of himself alongwith gelatin sticks on his Instagram account. Police papers prima facie show involvement of the applicant in alleged crime. Legality of the Masjid or Dargah is not an issue at this juncture. The applicant and co-accused by committing blast of gelatin sticks in the Masjid hurt religious feelings of the community. The offence is serious in nature and against the society. If bail is granted the applicant will flee way from the justice and prayed to reject the application.

**5)** Ld. APP for the State submitted that the police papers prima facie show active participation of the applicant in the crime. The applicant and co-accused initially abused the people in the procession of the 'Sandal' and also threatened to destroy the Masjid. Thereafter the applicant and co-accused tried to destroy religious place endangering peace and harmony in the society. The applicant and co-accused were seen fleeing from the Masjid at the relevant time. The offence is serious in nature. If bail is granted the applicant will tamper with the prosecution evidence and also will abscond and prayed to reject the application.

**6)** Perused the application, say of learned APP, affidavit of informant and adjoining documents on record.

**7)** It reveals from the police papers that at the relevant time during the procession of Sandal the applicant and co-accused Shriram Sagade allegedly abused persons in the 'Sandal' procession on the basis of the religion. He further said as to why the masjid was constructed at that place and threatened to remove said masjid, otherwise they will demolish it. In the same midnight the applicant and

co-accused allegedly conducted blast of gelatin sticks in the masjid causing damage to doors, windows, fans, books and other articles in the masjid. When informant and other rushed towards the masjid hearing sound of blast, the applicant and co-accused allegedly were seen fleeing from near the masjid. One remote control was recovered at the instance of applicant/accused from near one *Babhul* tree behind the masjid. On the next day of the incident the applicant posted his video on his Instagram account showing himself alongwith gelatin sticks. The offence is serious in nature and against religious feelings of a particular community, endangering social peace and harmony. Allegedly there appears dispute about construction of the masjid but that does not authorize the applicant or co-accused to destroy or cause damage to the masjid by taking law in their hands. Police papers prima facie reveal complicity of the applicant. Considering the facts, accusations, nature and gravity of offence, if bail is granted, possibility of the applicant tampering with the prosecution evidence cannot be ruled out. I find no substance in the submissions of Ld. Advocate for the applicant and with high respect the case law (cited supra) relied on by him is not helpful for distinction of facts. Hence, no case is made out to grant regular bail to the applicant/accused. In the result following order is passed :-

### **ORDER**

The application is rejected.

Date : 19/07/2025.  
Beed.

**( V. H. Patwadkar )**  
Special Judge  
( under UAPA Act )  
Beed.

**:: CERTIFICATE ::**

" I Affirm that the content of the PDF file are word to word as per original Judgment/Order "

Dictated on :- 19/07/2025.

Transcribed on :- 19/07/2025.

Checked & Signed on :- 19/07/2025.

Dt.19/07/2025.

**Sd/-**  
( Asifali R. Sayyad )  
Stenographer Gr-I  
Additional Sessions Court  
Beed.