



Sessions Case No. 37/2024
State X Peka Pungati
MHGA13-000296-2024

ORDER BELOW EXH. 8
(Passed on 19.09.2025)

1. The applicant Peka Madi Pungati has moved the present second application for bail under Section 439 of the Criminal Procedure Code, in Crime No. 93/2023 registered with Bhamragad Police Station for the offences under Sections 435, 427, 323, 143, 147, 148, 149 & 120B of the Indian Penal Code, Sec. 5/28 of the Indian Arms Act, Sections 4 & 5 of the Indian Explosives Act, and Sec. 13, 16, 18, 20 & 23 of the Unlawful Activities (Prevention) Act, 1967.
2. The I.O. has filed his say at Exh.9 through Ld. A.P.P. and resisted the bail application.
3. Heard Ld. Adv. Shri. U.S. Galbale for applicant/accused and Ld. A.P.P. Shri. N.M. Bhandekar for prosecution.
4. The learned advocate for the applicant submitted that the applicant is falsely implicated in this case. This is a second application, the first application after charge-sheet was rejected on 19.04.2024. He further submits that more than one year expired after rejection of first bail application, but till today prosecution has not examined any witness. He

further submits that the applicant is bail on the ground of delay. Hence, he prayed for bail.

5. Ld. A.P.P. submitted that, offence is of serious nature. He further submits that involvement of the applicant/accused in the crime is transpired from the material recovered from the present applicant. He further submits that witnesses in their police statements stated that the applicant/accused is active naxal member of banned organization. He further submits that first application is rejected by predecessor of this court on merits and therefore, unless the change in circumstances, merely on the ground of delay, bail cannot be granted. He further submits that there is a bar to grant bail under UAPA and therefore this Court cannot grant bail to applicant as there is prima facie evidence against present applicant and applicant do not satisfy the conditions under Sec. 43-D(5) of UAP Act. He prayed to reject the application.
6. Perused the application, say filed by APP and papers in charge-sheet. From perusal of case papers, prima facie involvement of present applicant/accused is revealed. There is a prima facie evidence showing that present applicant/accused is an active member of banned

organization. It is pertinent to note that the applicant is charged under the Unlawful Activities (Prevention) Act, 1967. Section 43-D(5) of UAPA imposes stringent conditions for grant of bail. After considering the material in charge-sheet, it cannot be said that there are reasonable ground for believing that the accusation against the applicant as regards the commission of offence under the UAP Act is prima facie not true. The question whether recovery is believable or not is matter of trial and there is no need to discuss the same at this stage. Further, merely on the ground of one year delay court cannot grant bail in a serious offence under UAP Act, particularly when the first bail application is rejected on merits by predecessor of this court. Considering, all facts and circumstances, the bail application lacks merit and liable to be rejected. Hence, in result, I proceed to pass following order :-

ORDER

The application Exh. 8 stands rejected.

Aheri.
Date – 19/09/2025.

(Prakash R. Kadam)
Special Judge (UAP Act),
Aheri.

CERTIFICATE

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of Court : Special Judge (UAP Act), Aheri.

Name of Steno (Gr.-1) : Shri. R.B. Chandekar.