

MHKO010044132025



ORDER BELOW EXH.4 IN SESSIONS CASE NO.246/2025

(State of Maharashtra Vs. Sikandar Govind Kale and Ors.)

1] Perused application, affidavits and say. Heard Advocate for accused No.1, 6 and 12 and APP for the State.

2] This is first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (Hereinafter referred as 'BNSS') by accused No.1, 6 and 12 in respect of their arrest in C.R.No. 238/2025 registered at P. S. O. Bhudargad Police Station for offences p/u/s. 310(2), 311, 331(6), 305 of the Bharatiya Nyaya Sanhita (Hereinafter referred as 'BNS'). First Informant lodged report stating that Shamrao Ravaji Babar, R/o. Gargoti runs Shri. Ambabai Jewelers shop near Gargoti main road. On 12/9/2025, Shamrao and his wife went to Kheradi, Dist. Ratnagiri. First informant is also running goldsmith shop which he closed at 8.00 p.m. on 14/9/2025. On 15/9/2025 at 3.30 a.m. he received call from his friend residing near his goldsmith shop that he saw 2-3 people while breaking shutter of his shop. First informant and his brother were going towards their shop and on the way they met their friend Samrat who told that said people went towards house of Shamrao. Therefore they all went at backside of shop of Shamrao. They saw door of his house was opened and in light of battery, they saw some people doing movements. As Shamrao was out of Gargoti, first informant doubted and went inside the gate. 5 to 6 people came outside house of Shamrao and out of them one threatened to kill and he went on their person with Katawani. Other unknown persons also came towards them, then two people came outside the house and all of them threatened to kill first informant and others. When those 7-8 persons went in dark, first informant and others shouted. They saw that bolt of door of house of

Shamrao Babar was cut by Katawani, lock was broken, common wall of goldsmith shop of first informant and one bangles shop was broken, shutter of his goldsmith shop was broken. On 15/9/2025 at 2.30 p.m. Shamrao and his wife returned to house and they found that gold and silver ornaments kept in steel and wooden cupboard of their house including gold Zumake, tops, ring, Silver Ganpati idol, necklace, wrist ornaments, Toe rings (Jodavi), bracelets, coins etc. worth Rs.87,300/- were stolen. During investigation it revealed that there was collusion of accused No.1 to 13 and they committed offence of dacoity.

3] According to accused No.1, 6 and 12, they are falsely implicated. They have not committed alleged offences. FIR is against unknown persons with inconsistent statements so there are doubtful circumstances. As per FIR, first informant, his brother and friend went at spot, but they failed to take efforts to apprehend those unknown people. No proper test identification parade is conducted. Alleged recovery of articles cannot be taken into consideration because those are owned by accused persons for their domestic use. Accused are not concerned with alleged offence of dacoity. They were in Kolhapur District for Labour work of sugarcane cutting and were moving from one place to another to visit temples. They are arrested on suspicion on vague allegations. Alleged recovery is fake. After completion of investigation, charge-sheet is filed and further custody of accused persons is not required. Accused No.1 is 39 years old, accused No.6 is 35 years old and accused No.12 is 52 years old and they are doing Labour work. They are resident of Itkor, Tal. Kalamb, Dist. Dharashiv. They are ready to abide conditions and prayed to release them on bail.

4] APP, I.O. objected application on the grounds that though charge-sheet is filed there are allegations that all accused including present accused were having dangerous weapons with them, they committed dacoity and went on person of first informant, witnesses with weapons, threatened to kill

them. Yet accused No.13 is not traced out. Accused persons are habitual offenders having criminal offenders. There are about 24 offences against accused No.12, 11 offences against accused No.6 and 31 offences against accused No.1 of theft, house breaking, dacoity etc. In some offences they were convicted. In spite of it, they repeated such type of serious offences. There is terror in the mind of public about them. There is possibility of tampering prosecution evidence and they prayed to reject application.

5] Allegations against the accused No.1, 6 and 12 are serious. From statement of First Informant and other material in charge-sheet, role attributed to these accused can be gathered. It is alleged that accused No.1, 6, 12 and other accused were in collusion, with the help of weapon i.e. Katawani they have broken lock of house of Shamrao and by entering in his house they committed theft of gold and silver ornaments from their house worth Rs.87,300/-, details are given in FIR. They also tried to dis-mantle common wall between bangles shop and jewelers shop of first informant and they threatened to kill first informant and others. Advocate of accused No.1, 6 and 12 submitted that no proper test identification parade is conducted. Above accused are arrested on suspicion and inconsistent statement. They were in Kolhapur District for labour work and for visiting temples. APP for State submitted that accused No.1,6 and 12 have criminal antecedents of which details are given in reply of Investigating officer. In some offences they were convicted and in spite of it there are allegations against them of committing similar nature of offences.

6] After completion of investigation charge-sheet is filed and in police papers there are statements of first informant, other witnesses. Spot panchanama is prepared and weapons, articles used in offence are seized. There are two seizure panchanamas by which gold, silver ornaments, mobile phones are seized from accused No.1. Four pairs of Silver wrist ornaments, silver coin, currency notes and mobile are seized from accused No.1. Gold

Zumake, gold nose pin, four gold rings, silver toe rings, Kardora, bracelets, currency notes are seized from accused No.12. From accused No.1, 11, 6 and 9, Bolero pick up vehicle, iron bar, hammer are seized. Test Identification parade of these accused is conducted and first informant, witnesses identified them. From charge-sheet prima facie involvement of these accused can be gathered.

7] It is material to note that there are criminal antecedents and against accused No.1 31 offences/cases mostly for offences p/u/s. 380, 454, 457 r/w. 34 of IPC in Karveer, Shahuwadi, Kagal and other police stations are filed. In C.R.No. 155/2016 of Kagal Police Station non bailable warrant is issued against him. Against accused No.6 11 offences/cases and against accused No.12 24 offences/cases mostly of similar nature i.e. for offences p/u/s. 380, 454, 457 r/w. 34 of IPC in Karveer, Shahuwadi, Kagal and other police stations are filed. In C.R.No. 155/2016 of Kagal Police Station non bailable warrant is issued against accused No.1 and 12. Some cases are pending and in some offences they are convicted. Therefore it appears that these accused have misused liberty granted to them and they are involved in similar serious type of offences. There is terror of these accused in society and there is possibility of tampering prosecution evidence by giving threat and pressure to first informant and witnesses. Accused are resident of other district and there is possibility of their absconding. Therefore considering above reasons, prima facie involvement, gravity and antecedents of these accused at this stage it is not proper to release accused No.1, 6 and 12 on bail and following order is passed.

ORDER

Application is rejected.

Date : 15.06.2026

(Smt. R.V. Adone)
Additional Sessions Judge,
Kolhapur.

Certificate

“ I affirm that the contents of the P.D.F. File order are same word for word as per original order.

Sd/-

[A. A. Patil]
(Stenographer G-1)