

MHKO010044132025



ORDER BELOW EXH.8 IN SESSIONS CASE NO.246/2025

(State of Maharashtra Vs. Lalita Rajendra Pawar and Anr.)

1] Perused application, affidavits and say. Heard Advocate for accused No.9 and 11 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.9 and 11 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 Goldsmith 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.9 and 11, 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. There is no recovery or discovery of incriminating material from accused persons. Accused No.9 and 11 were not at alleged spot of incident, they were in Kolhapur with family members for visiting Mahalaxmi and Jotiba temple so they are arrested on suspicion with vague allegations. In FIR there are no allegations against them. After completion of investigation charge-sheet is filed. Co-accused No.7, 8 and 10 are already released on bail and there is ground of parity. Bail is rule and jail is exception. Accused No.9 is 42 years old, accused No.11 is 58 years old and both are doing Labour work. Accused No.9 is suffering from epilepsy and accused No.11 is suffering from heart problem. They are resident of Wakadi, Tal. Kalamb, Dist. Dharashiv. They have no criminal antecedents. 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. Some stolen ornaments are seized from accused No.9 during her physical search. Accused persons are habitual offenders having criminal offenders. There are about 5 offences against accused No.11 of similar nature. 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. As per CDR accused persons were in contact with each other. Out of stolen ornaments, some ornaments are found during physical search of accused No.9 Lalita. There is terror in the mind of public about all accused. There is possibility of tampering prosecution evidence and they prayed to reject application.

5] Allegations against the accused No.9 and 11 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.9, 11 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-mantal common wall between bangles shop and jewelers shop of first informant and they threatened to kill first informant and others. Advocate of accused No.9 and 11 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. As lady accused No.7,8 and 10 are released on bail, there is ground of parity. Bail is rule and jail is exception. APP for State submitted that accused No.11 has criminal antecedents. From accused No.1, 11, 6 and 9, Bolero pick up vehicle, iron bar, hammer are seized. There are about 5 offences of similar

nature against accused No.11. Silver necklace of 20 gms. is seized from accused No.9.

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. As per panchanama dt. 17/9/2025 some ornaments were found in pant pocket of accused No.11 and one Mobile is seized from him. As per panchanama dt. 16/9/2025 one silver necklace is found during physical search of accused No.9. Therefore role of these accused can be differentiated from other lady accused No.7, 8 and 10. Test Identification parade of these accused No.9 and 11 is conducted and first informant, witnesses identified them. From charge-sheet prima facie involvement of these accused can be gathered. There are criminal antecedents and against accused No.11, 5 offences are levelled of similar nature as per say of IO. Therefore it appears that accused have misused liberty. Accused No.9 and 11 are related and resident of other district. There is possibility of tampering prosecution evidence by giving threat and pressure to first informant and witnesses. There is possibility of their absconding. Therefore considering above reasons, prima facie involvement, gravity and antecedents at this stage it is not proper to release accused No.9 and 11 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)