

MHKO010044132025



ORDER BELOW EXH.10 IN SESSIONS CASE NO.246/2025

(State of Maharashtra Vs. Shankar Popat Shinde)

1] Perused application and say. Heard Advocate for accused No.2 and APP for the State.

2] This is second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (Hereinafter referred as 'BNSS') by accused No.2 in respect of his 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.2, he is falsely implicated. He has not committed alleged offence. He is poor labour and harvesting sugarcane with his father who is Contractor. They had been to Admapur with family to visit Balu Mama temple. Nothing incriminating is recovered from him. Previous bail application was rejected as investigation was incomplete. Now After completion of investigation charge-sheet is filed. Accused No.2 is 21 years old, he is doing Labour work. He is resident of Kothalwadi, Tal. Kalamb, Dist. Darashiv. He is ready to abide conditions and prayed to release him 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 antecedents. There are about 24 offences against accused No.12, 11 offences against accused No.6, 5 offences against accused No.11 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. 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.2 are serious. From statement of First Informant and other material in charge-sheet, role attributed to accused can be gathered. It is alleged that accused No.2 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.2 submitted that nothing incriminating is seized from accused No.2. Accused No.2 is arrested only on suspicion. He was in Admapur to visit Balu Mama temple. Due to filing of charge-sheet his further custody is not required. APP for State submitted that other accused have criminal antecedents. All accused were in collusion and there is gravity of offence. There is possibility of tampering prosecution evidence and absconding of accused.

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. Most of the ornaments are seized from accused No.1 and 12 and there are allegations of collusion. Test Identification parade of accused No.2 is conducted and first informant, witnesses identified him. Moreover as per affidavit filed for this accused No.2, he has criminal antecedents and total three offences are pending against him bearing

C.R.No.270/2025, 244/2025 of Murgud Police Station, C.R.No.198/2025 of Kurundwad Police Station. It is say of I.O. that most of the accused have criminal antecedents of similar nature. From charge-sheet prima facie involvement of accused can be gathered. There are criminal antecedents. Therefore it appears that accused has misused liberty. Accused is resident of other District. There is possibility of his absconding. There is possibility of tampering prosecution evidence by giving threat and pressure to first informant and witnesses. Therefore considering above reasons, prima facie involvement, gravity and antecedents at this stage it is not proper to release accused No.2 on bail and following order is passed.

ORDER

Application is rejected.

Date : 18.06.2026

(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)