

**MHKO010047492023**



**ORDER BELOW EXH. NO.62 IN SESSIONS CASE NO. 276/2023**

**State of Maharashtra .. Prosecution**  
**Through Karveer P. S.**

**Vs.**

**Ambaji Shivaji Sulekar .. Accused No. 3**

1. Present application is moved by accused No.3 in C.R.No.406/2023 registered with Karveer Police Station under Section 395, 397,120B, 324, 323, 504 and 506 of Indian Penal Code and under section 3 and 25 of the Arms Act.

2. As per case of the prosecution, on 08/06/2023, all the accused committed dacoity at Katyani jewellers and also used fire-arms. The accused also assaulted Mr. Jitendra by firing a bullet at his leg. The accused looted the jewellery shop and took all the cash amount from the counter. There is allegations against present applicant that he conspired with other accused and made the vehicle available for the offence. The applicant helped the accused to run away.

3. It is stated by the applicant that he was arrested on 11/06/2023 only on the basis of suspicion and there is no specific allegation attributed to him. The applicant was not present at the scene and has not participated in the dacoity. Ld. Advocate for the accused argued that levelled sections are not attracted. She further submitted that applicant's mother is critically ill and paralyzed and applicant's wife is burdened with all the responsibilities to look after applicant's mother and kids. The applicant is only earning member of the family and he is ready to abide by the conditions imposed by the Court. Ld. Advocate claimed parity on the ground that accused No.2 is released on bail.

4. I.O. and Ld. APP filed say at Exh.63 and opposed the bail application on the ground that at the time of the offence, accused No.3 was waiting for other accused at Koparde Phata and he helped the co-accused to run away after the crime. It is stated that present applicant helped to furnish information to co-accused in order to commit crime and also provided a four wheeler. Two accused are still absconding and if the applicant is released on bail, then he may tamper with the evidence. The jewellery and cash amount Rs. 1,50,000/- is yet to be recovered. Ld. APP argued as per say.

5. I have considered rival submissions and have

perused the charge-sheet. As per FIR, four unknown persons came to the jewellery shop and fired from their pistol. All of them took gold and cash from the said shop worth rupees more than Two Crores. The gold ornaments were recovered from the house of accused No.2 who is released on bail. Two accused in present case are still absconding. Present applicant is behind bars since 16/06/2023 i.e. since last two years. The matter is committed to Sessions Court. Prima facie, the applicant was not directly involved in the robbery. Nothing incriminating is recovered from him. The allegations of robbery are against accused Nos. 4 to 7. and as far as conspiracy is concerned, the prosecution has to prove the same during trial. Charge is not yet framed and the trial will take its own time.

6. The medical report on record shows that applicant's mother, Indubai Sulekar is suffering from paralysis and needs medical attention. The applicant has two minor children and his wife cannot alone look after the mother and household responsibilities at the same time. I do not see any possibility of tampering. Applicant is entitled to parity. Considering all the circumstances, I am of the opinion that present applicant can be released on bail. Hence, I pass following order.

**Order**

- 1) The application is allowed.

- 2) The accused No.3 in C.R.No.406/2023 registered with Karveer Police Station under Section 395, 397,120-B,324, 323, 504 and 506 of Indian Penal Code and under section 3 and 25 of the Arms Act be released on bail on his furnishing P. R. Bond and S. B. of Rs.25,000/- (Rs. Twenty Five Thousand only) on the following conditions:
- i) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.
  - ii) At the time of executing bond, the applicant shall submit documentary proof of his residence and shall furnish his telephone or mobile number and shall inform about any change therein.
  - iii) The applicant shall not commit any offence similar to the offence alleged against him.
  - iv) The applicant shall attend dates of trial regularly unless exempted by the Court.

v) The applicant shall surrender his passport, if any, to the concerned investigating officer.

vi) Violation of any of the conditions mentioned above, shall entail the prosecution for cancellation of bail.

3) Bail before committal Court.

Place : Kolhapur.  
Date : 03/11/2025.

( Mrs. Aparna S. Waikar )  
Additional Sessions Judge,  
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs.S.R.Tambvekar
Name of Court	Mrs. Aparna S. Waikar, Additional Sessions Judge, Kolhapur.
Date of Dictation	03/11/2025.
Order signed by the P.O. on	03/11/2025.
Order uploaded on	03/11/2025.