



**Order below application vide Exh.60 for grant of Regular Bail
under Section 439 of Cr.P.C.**

(Passed on this 4th day of May, 2023)

Applicant/accused **Kishor S/o Narayan Ghangaov** has filed this application under Section 439 of Code of Criminal Procedure for regular bail.

2. It is contended that, the earlier bail application filed by the applicant was rejected on 19.4.2023. Thereafter, the charge-sheet has been filed and there is change in circumstance. It is further contended that, the applicant has been falsely roped in the crime, Sec.395 of I.P.C. doesn't attract, no specific overt-act has been attributed to this applicant, there is no evidence against him, no identification parade was conducted showing his involvement, no circumstantial evidence against him, he is in custody since 21.10.2021, there is rule that, 'bail is a rule and jail is an exception' and he is ready to obey the conditions which would be imposed. So, this application.

3. Ld. P.P. filed reply vide Exh.61 and resisted this application by contending that, the nature of the offence is serious, muddemal of Rs.95,04,403/- is recovered from the applicant/accused, earlier bail application was rejected on merit, there is no change in circumstance. So, urged to reject the

application.

4. Heard, Ld. Advocate appearing for the applicant/accused and Ld. P.P. appearing for the prosecution. Gone through the material on record.

5. The crime has been registered against the applicant/accused and co-accused for the offences punishable U/Sec. 395, 397, 120-B of I.P.C. and U/Sec. 4 punishable U/Sec. 25 of the Arms Act.

6. The alleged incident took place during the interval night of 12.10.2022 and 13.10.2022 at or about 2:30 to 3:30 hours. The various Police Teams were formed in search of dacoits. On 22.10.2022, the Police Team No.3 received secret information that the suspect in crime namely Kishor Ghangaov came to his house at Panchpir Nagar, Babhalgaon Road, Latur. So, API Bhagure and his Team took the applicant/accused in custody and he disclosed about the accused Takkusing Ajitsing Kalyani. The applicant/accused further disclosed that, prior to two years he did the electric work in the house of Agrawal and at that time, he saw Tijori and entire house of informant. He had knowledge that lot-of money is always used to be in the house. So, he decided to commit theft. He disclosed his idea of theft to his friend Vijay Gaikwad. Then Vijay Gaikwad introduced Ganesh Ahire. Ganesh Ahire had called his son-in-law Vicky Kamble. Then, in the month of August-2022, meeting was held in the old house of Vijay Gaikwad at Pachpir Nagar, Babhalgaon Road, Latur between the applicant/accused, Vijay Gaikwad, Ganesh Ahire & Vicky Kamble.

In the said meeting, Vicky Kamble introduced about his friend Takkusing Kalyani and Takkusing Kalyani agreed to commit dacoity with his other four associates. Accordingly, on 11.10.2022 at or about 1.00 p.m. Takkusing and his associates came at Tuljapur Chowk, Ausa. The applicant/accused went from Latur to Ausa and met Takkusing and his associates. Takkusing introduced his associates to the applicant/accused. The applicant/accused discussed with Takkusing and then in the evening the applicant/accused brought them to Latur in their gray coloured Maroti Icco Car and shown the house of first informant situated at Kanhya Nagari, Latur. Then, he took all the accused to his house situated at Pachpir Nagar, Latur. They all took halt in his house. Then, at or about 2:00 a.m., they all went towards the house of informant. He (applicant/accused) stopped in front of temple, near the house of informant. Then, Takkusing and his four co-associates made entry in the house of Agrawal from the compound wall of temple side. After half an hour, Takkusing and his two associates came at him with bag and asked him to go towards vehicle. Then, after some time, the remaining two accused came at vehicle and then all boarded in vehicle and proceeded towards Solapur Road via Chatrapati Chowk and then went to Pune side.

7. This material on record prima-facie disclose about the involvement of the applicant/accused in the serious crime. This material also shows that, the original idea of crime was of this accused.

Memorandum statement of the accused further shows that, the accused Takkusing dropped him on the way to Pune and

gave him an amount of Rs.2,50,000/-. The amount of Rs.1,86,000/- has been seized from the house of the applicant/accused as per the disclosure statement made by him. This evidence on record prima-facie shows about the involvement of the applicant/accused in such serious crime. Considering the nature of the offence, its gravity, facts & circumstances, discussed above the applicant/accused doesn't deserve to be enlarged on bail. Hence, following order.

ORDER

Application **Exh.60** is hereby rejected.

(Dictated & pronounced in the Open Court.)

Latur
Dated : 4th May, 2024

(D. B. Mane)
Additional Sessions Judge-3,
Latur.