

MHLA010014792026



Sessions Case No.106/2026

State of Maharashtra

Vs. Kedar Mahadev Kshirsagar & Ors.

ORDER BELOW EXH.32

The applicant/accused No.1 Kedar Mahadev Kshirsagar has filed application for grant of regular bail under section 483 of the B.N.S.S. in connection with Crime No.65/2026 registered with Police Station, Shivaji Nagar, Latur for the offence punishable under Sections 103 (1), 109 (1), 54, 3 (5) of B.N.S.

2. According to advocate of applicant, the applicant has not committed alleged offence. He has been falsely implicated in the given crime. As per FIR the allegations against applicant are only to the extent of assaulting the informant and his friends with stick. If specific role of applicant in the given crime is considered there is no evidence to show that because of his act any injury was caused to informant or his friends likely to cause death. As per FIR the accused Shridhar was having the knife by which he caused death of the deceased Vikram Panchal and injured the informant and his friends. The other accused namely Sujal Dinde and Pranav Udagire against whom there are similar allegations have been granted bail by this court. Hence, on the ground of parity present applicant is also entitled for bail.

3. Further according to advocate for applicant, the applicant is a student. He is 19 years old. He does not have any criminal track record. Nothing incriminating has been seized from his possession during custodial interrogation. Also there is no recovery of discovery

of facts from him to connect him with the given crime. He is in judicial custody since the date of his arrest. The investigation is complete. Charge-sheet has been filed. The applicant is not required for custodial interrogation anymore. No purpose will be served by his further detention. The alleged offence against him is not punishable with death. He is not a previous convict. He is local resident of Latur. He is ready to abide by all terms and conditions if bail is granted to him. His earlier bail application came to be rejected on the ground that investigation is going on. As the investigation is completed now, he is entitled for released on bail. Hence, his advocate prayed that the applicant be granted bail.

4. Present application has been strongly opposed by A.G.P. and I.O. on the ground that the offences alleged against applicant are serious. Out of the said offences the offence under Section 103 (1), 109 (1) of B.N.S. are punishable with imprisonment for life. He is directly named in the FIR and also in the statements of eye-witnesses. There is prima-facie evidence against him regarding commission of alleged crime which rules out possibility of false implication. From the contents of FIR and charge-sheet the intention, motive and preparation to commit the offence can be gathered. He is the main accused in this crime. In the first incident, which took place at about 3.00 p.m., present applicant was involved. Also, in the incident which took place at 5.30 p.m. on that day, the applicant was involved with full preparation. Also he had called the accused Shridhar Jadhav on the spot of incident. On the instigation and the words of present applicant, the accused Shridhar Jadhav assaulted informant and the deceased Vikram Panchal with the knife causing death of the deceased. His role in the alleged crime can not be equated with the

role of other accused who have been granted bail. Hence, ground of parity is not available to the applicant. The offence is very serious and there is sufficient prima-facie evidence against the applicant. Hence, bail is not justified. If bail is granted to applicant, the informant will not be safe and there is likelihood that further offence may be committed. The earlier bail application of applicant has been rejected on merits. There is no change in circumstances for the applicant to prefer fresh bail application. The prosecution is willing to conduct the trial on day to day basis. Hence, it is prayed for rejection of bail.

5. Heard both sides. Perused the charge-sheet. The offence registered against the applicant are very serious. The offence under section 103 (1) of B.N.S. is punishable with death or imprisonment for life. The offence under Section 109 (1) is punishable with imprisonment for life. The applicant has been clearly named in the FIR and also in the statements of informant and other witnesses. It appears that he is the prime accused in this crime. He was involved in the incident which took place at 3.00 p.m. on the date of incident. After the incident which took place at 3.00 p.m., the applicant along-with other accused again gathered at 5.30 p.m. with all preparations to assault informant and his friends. The applicant is the one who called accused Shridhar Tanaji Jadhav on the spot of incident. The said Shridhar Tanaji Jadhav is an outsider and not a college student where the applicant was standing. There was no need for the applicant to bring the said Shridhar Tanaji Jadhav on the spot of incident in a college dispute. On the words and instigation of applicant the said Shridhar Tanaji Jadhav assaulted informant and deceased with a knife causing death of deceased Vikram Panchal. Had the applicant not

called accused Shridhar Tanaji Jadhav on the spot of incident and not instigated him to assault informant and the deceased, the death of deceased Vikram Panchal would not have been caused and the informant would not have suffered grievous injury of knife. Hence, the role of present applicant in the given crime is significant and he was prima facie responsible for the entire offence. For this reason his role in the given crime can not be equated with that of the other accused granted bail by this court. Hence, ground of parity is not available to the applicant.

6. The previous bail application of applicant has been rejected on merits. After rejection of his application the only change in circumstance is that charge-sheet has been filed. That does not amount to any substantial change in the circumstances for which the application for bail can be reconsidered on merits.

7. The alleged offences very serious and the applicant is the prime accused in this crime. There is sufficient prima facie evidence against him. Hence, considering the nature, gravity of the offence and the prima facie evidence available on record, I find no justified reason to enlarge the applicant on bail. Hence, the following order.

ORDER

This application is rejected.

Sd/-

(R.B. Bhagwat)

Additional Sessions Judge-2,
Latur.

Date : 06/07/2026