

MHBH010003182024

**ORDER BELOW EXH. 211**(Passed on this 17th August, 2026)

Applicant/ Accused No.10 Ashutosh @ Lucky Manoj Ghadale.

(A)	CASE DETAILS	
(i)	FIR number and date	0291/2023 dt. 26.09.2023
(ii)	Police Station, District and State	Police Station, Gobarwahi, District Bhandara.
(iii)	Sections invoked	Sections 302, 143, 147, 148 of IPC, r/w. 3, 4, 25, 27 Arms Act, r/w. 23(1), 23(2) of MCOCA.
(iv)	Maximum punishment prescribed	Rigorous imprisonment with life.
(B)	CUSTODY & PROCEDURAL COMPLIANCE	
(i)	Date of Arrest	27.09.2023
(ii)	Total period of custody undergone	2 years 10 months, 22 days
(C)	STATUS OF TRIAL	
(i)	Stage of proceedings (Investigation/Charge-sheet/Cognizance/Framing of Charges/Trial)	Trial.
(ii)	Total number of witnesses cited in the charge-sheet	74 witnesses.
(iii)	Number of prosecution witnesses examined	3 witnesses.
(D)	CRIMINAL ANTECEDENTS	
(i)	FIR No. & Police Station	--
(ii)	Sections	--
(iii)	Status (Pending/Acquitted/Convicted)	--

(E)	PREVIOUS BAIL APPLICATIONS	
(i)	Court	---
(ii)	Case No.	---
(iii)	Outcome of the case	---
(iv)	Name & Designation of Judicial Officer who passed the previous order (if currently posted at the same station)	---
(F)	COERCIVE PROCESSES	
(i)	Whether any Non-bailable Warrant was issued	N.A.
(ii)	Whether declared a proclaimed offender	N.A.

1. This is an application of bail after filing of charge-sheet by the applicant/accused **No.10 Ashutosh @ Lucky Manoj Ghadale** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) in Crime No.0291/2023, for offences punishable under sections 302, 143, 147, 148 of the Indian Penal Code (IPC), r/w. 3, 4, 25, 27 of the Arms Act, r/w. 23(1), 23(2) of the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) registered at Police Station, Gobarwahi. District Bhandara.

2. It is submitted that the applicant was arrested on 27.09.2023 on the basis of the complaint, since then he is in judicial custody. The investigation is completed and charge-sheet is filed. The charges have been framed in the matter.

3. The applicant is falsely implicated in the present crime. He was not even present on the spot of offence. No admissible evidence against the

applicant. There is no recovery from the applicant. He further submits that no charges under Section 302 are framed against the applicant and there is no material to show that the applicant was privy to any of the overt acts by the other accused. The accused is alleged to be a member of the gang on the basis of the surmises and conjectures.

4. The applicant further submitted that as per the judgment of the Apex Court in case of Ranjitsingh Bramajitsingh Sharma vs. State of Maharashtra it is held that the wordings of Section 21(4) does not lead to a conclusion that the court must come to a positive finding that the applicant has not committed offence under MCOCA. The applicant submits that he has made a case for bail as prima-facie there is no material against the applicant.

5. It is further submitted that this is second bail application of the applicant. Earlier bail application had been rejected by this court and thereafter he filed bail application before the High Court, which was withdrawn. Thereafter, there is no change in circumstances where in 3 accused have been released on bail and hence the applicant seek parity with the said accused. The accused Surendra Pipardhare has been granted bail by the Hon'ble Supreme Court on ground of delay in trial. Thereafter considering the said order, accused Narendra Pipardhare whose earlier bail application was withdrawn before the Hon'ble High Court, was granted bail by the High Court. Thereafter, considering the same accused Gunwant Yeukar was granted bail by this court. Hence, the accused who is similarly placed is seeking bail on the ground of parity. The applicant has been arrested on similar role as Pipardhare.

6. It is further submitted that the Hon'ble Supreme Court in Special Leave Petition (Cri.) No. 5139/2025 has observed that Surendra Pipardhare has been under incarceration for about one year and Seven months. The charges are recently framed, the trial has just commenced and thus, is likely to take time to conclude. The said accused was arrested in the month of December, 2023, but this applicant is arrested prior to him on 27.09.2023. Therefore, the present applicant is also entitled for bail on the ground of parity.

7. It is further submitted that the High Court in Criminal Bail Application No.759/2025 granted bail to Narendra Fattu Pipardhare on 22.08.2025. The Hon'ble High Court observed that trial will take its own time and allowing pre-trial detention of said co-accused behind bar is almostly affecting his rights under Article 21 of the Constitution. The applicant submits that trial has recently commenced and there is no likelihood to conclude it within short time. The applicant further submits that second bail application is maintainable on new grounds, change in circumstances and further development. Hence, applicant prayed for his release on bail.

8. The prosecution has filed the say and strongly opposed the application. It is submitted that on 25.09.2023, gang leader Santosh Chandan Dahat alongwith co-accused killed Naeem Shaikh by shooting him and stabbing him with a knife. Accused Ashutosh Ghadale committed the crime alongwith gang leader Santosh Chandan Dahat and co-accused Satish Chandan Dahat, Shubham Pandhare, Ashish Nashikrao Nevare, Monu Kolhatkar, Aman Badal Meshram and Ravi Ratan Borkar.

9. It is further submitted that the accused has a history of committing such offenses, and if he is released on bail, he could commit a serious crime. Even while incarcerated, the accused through their associates has issued death threats to the victim's family by having an anonymous threatening letter thrown into their home. Consequently, granting bail to the accused could endanger the lives of the deceased's wife and children. Furthermore, the possibility that the accused might abscond and fail to appear in court if released on bail cannot be ruled out.

10. Heard the learned advocate for the applicant/accused and the learned P.P.

11. The accused has come seeking relief of bail on grounds of parity as the Hon'ble Apex Court and the Hon'ble High Court have granted bail to the co-accused considering the delay of one year and seven months. The trial court is bound by section 21(4) of the MCOCA. As per section 21(4) the court must record satisfaction that the accused is not guilty and unlikely to commit offences while on bail. The accused have not come for bail claiming innocence and not guilty. No case of there being no prima-facie material against the accused on record also made out. If the accused are released on bail the witness and the family of the deceased victim would be under threat as the star witnesses have not been yet examined. As the trial has begun with the co-operation of the accused and their counsel the evidence would be recorded as the earliest. Considering the nature of the offence, number of witnesses to be examined are going to be more in number than other cases. This would not allow this court to release the accused on bail considering the number of

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witnesses. This trial court is not inclined to grant bail only on the ground of delay. Hence, I pass the order.

ORDER

The application is rejected.

Bhandara.
Date: 17.08.2026

(Sabina A. Malik)
Additional Sessions Judge,
Bhandara.

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CERTIFICATE

I affirm that the contents of this PDF file are the same word-for-word as per the original order.

Name of Steno	: S. M. Bhairam
Court Name	: Additional Sessions Judge, Bhandara
Date of Dictation	: 17.08.2026
The order signed by the PO. on	: 17.08.2026
Order uploaded on	: 17.08.2026