

MHPU010095932018



Order below Exh.293 in Spl. MCOCA Case No. 39/2018

Accused No.1- **Ravindra Sadashiv Chorge** was arrested on 21/01/2018 in connection with C.R.No. 10/2018 registered in Deccan Police Station under Sec. 302, 307,120-B, 201 of IPC, under Sec.3, 25, 27 of the Arms Act, under Sec.37(1)(3) r/w 135 of the Maharashtra Police Act and under Sec.3(1)(i), 3(2), 3(3), 3(4) of the Maharashtra Control of Organized Crimes Act,1999 (MCOCA). He has filed this application for bail under Sec. 483 of the Bharatiya Nagarik Suraksha Sanhita,2023 (BNSS). He contends that this is his first bail application and no other application is pending in any other Court.

2. The incident as it appears from the FIR and other investigating papers was that the deceased Deven Jaysukhlal Shah, on a fateful evening of 13/01/2018, celebrated birthday of his wife in one hotel with his family and returned home in Sayali Apartment, Lane No.7, Prabhat Road, Pune. At about 11.10 p.m., his door bail rang. He opened the door and saw one of the watchmen namely Sunilkumar Nirmal, who was running laundry in the parking space. He told that two persons are calling him to the parking space. Deven Shah and his son Atit (informant) therefore, went to the parking space and they saw that this accused Ravindra Chorage was there with one unknown person. Both of them opened fire at Deven Shah and fired one round each and Deven Shah sustained bullet injuries on his chest and stomach. Atit tried to apprehend them but they fired at him also but fortunately, he did not

sustain any injury. Both of them fled away by their motorcycle. Deven Shah was taken to the hospital but he succumbed to injuries. The incident was reported to Deccan Police Station and Atit lodged complaint against two unknown persons at about 5.26 a.m. on 14/01/2018 and based in it, the crime was registered.

3. On 22/03/2018, Atit gave supplementary statement to police that he was knowing one of the assailants to be Ravindra Chorage, as he was seen by him earlier coming to his office in relation to his business but due to fear and by taking into consideration that there is no support to his family behind back of his father, he did not name him in FIR. He gave information regarding business transaction of his father and based on it, other accused were connected to the crime and they were arrested. His further supplementary statement was accordingly recorded on 21/06/2018. Another assailant was identified and he was the friend of Ravindra Chorage namely Rahul Shivtare (accused No.2). Other seven accused were arraigned with aid of Sec.120-B of IPC.

4. The motive behind commission of this crime was that the accused Nitin Dangat had his business transactions with the deceased Deven Shah which relates back to the year 2005. Deven Shah was doing ceramic business in the premises owned by the accused Nitin Dangat on rent. Deven Shah thereafter, started real estate business by name 'Ambika Group' and Nitin Dangat was helping him in that business on commission basis. In the year 2008, Nitin Dangat introduced the accused Sameer Sadawarte to Deven Shah and they told him that they can arrange for 400 Acres of land situated at village Darawali and

Mulashi and Deven Shah should invest money to purchase those lands. Ultimately, it was agreed that Nitin Dangat and Sameer Sadawarte shall negotiate with the farmers, arrange for the title documents and finalize the transactions with them at their level. Deven Shah shall pay Rs. 5 Lakhs per Acre as consideration. He will pay 25% of actual profit to them as commission. As per this agreement, Deven Shah paid near about Rs.14 Crores to Sameer Sadawarte for those transactions. He also paid Rs.3 Crores to Nitin Dangat as 25% of profit. However, they could not finalize all the transactions and Deven Shah was facing difficulties regarding title documents of some of the farmers. Consequently, the transactions of all the lands cannot be finalized as agreed.

5. The accused Nitin Dangat therefore, decided to retire himself from those transactions. Accordingly, in the year 2010, a mutual agreement was executed between Nitin Dangat and Deven Shah. Sameer Sadawarte settled the transactions and cleared the dues of Deven Shah. However, it was alleged that Nitin Dangat was not discharging his duties as per the agreement nor was returning Rs.3 Crores paid to him by Deven Shah as commission.

6. In the year 2014, Deven Shah approached this accused Ravindra Chorage and Vitthal Nimbalkar for their help to recover the amount of Rs.3 Crores from Nitin Dangat through Kishor Aware, who was the common friend of them and Nitin Dangat. Ravindra Chorage, Mahesh Mengane and Vitthal Nimbalkar were residing in the same locality and Ravindra Chorage came in contact with Vijay Hajare from Karjat, Dist. Raigad and Kishor Aware from Talegaon through Mahesh Mengane, who was murdered subsequently. Ravindra Chorage came in

contact with Dada Vighne through Vitthal Nimbalkar. All were working as the commission agents in real estate.

7. In the year 2013, one Sikander Shaikh had brought proposal to Ravindra Chorage of 62 Acres of land at Borivali. He contacted Vijay Hajare at Karjat and he introduced him with Pandit Agarwal from Indore, (M.P.). It is said that Pandit Agarwal was a man of gangster Chota Rajan. All of them decided to intervene in the transaction between Deven Shah and Nitin Dangat as per request of Deven Shah. They arranged a meeting with Deven Shah at Harvest Club near Mhatre bridge. Deven Shah told them in the meeting that he has dues of Rs.11 Crores from Nitin Dangat which he is not paying. If they managed to recover that amount, he will pay their commission. The commission of 50% was demanded but subsequently, it was finalized at 30%. A joint meeting was called with Nitin Dangat and Deven Shah wherein, Nitin Dangat agreed to clear the title of remaining lands. On the next day, a meeting of Deven Shah, Nitin Dangat and Sameer Sadawarte was held wherein, all the disputes were settled and Nitin Dangat and Sameer Sadawarte agreed to pay Rs.5 Crores to Deven Shah.

8. For the aforesaid deal, the above persons were to get Rs.1 Crore 10 Lakhs from Deven Shah as commission. Out of it, Deven Shah paid token amount of Rs.75 Lakhs to Pandit Agarwal. Out of the said amount, Rs.2,50,000/- were paid to Ravindra Chorage. Vijay Hajare, Dada Vighne and Vitthal Nimbalkar. After some days, this accused Ravindra Chorage was in need of money and he therefore, inquired with Pandit Agarwal about remaining amount due from Deven Shah. He told

that Deven Shah has not paid remaining amount and he is not receiving his phone call. So, he instructed this accused to meet Deven Shah and recover that amount. Accordingly, this accused Ravindra Chorage was frequently meeting to Deven Shah but he was not paying the said amount. Subsequently, Pandit Agarwal also stopped to make or receive his phone calls.

**9.** It was found in the investigation that somewhere, 10 months prior to the incident, Pandit Agarwal gave a pistol to Ravindra Chrage at Khopoli to kill Deven Shah, if he failed to pay the remaining amount. This accused Ravindra Chorage shown that pistol to his friend Rahul Shivtare (another assailant). Rahul Shivtare shown another pistol with him saying that he has purchased it for Rs.60,000/- from one Sonu Rathod from Ujjain (M.P.). Pandit Agarwal was making phone call to this accused Ravindra Chorage and was asking him to meet Deven Shah and demand the remaining amount and if he refused to pay, kill him by using pistol given to him. In 2017, Pandit Agarwal was residing at Indore in the State of Mdhya Pradesh and he came to Pune and told Ravindra Chorage to wait for some time, Deven Shah would be either abducted or killed.

**10.** On 13/01/2018, this accused Ravindra Chorage made phone call to Pandit Agarwal asking whether Deven Shah has paid the remaining amount. Pandit Agarwal replied that Deven Shah is not paying money and he should abducted. He is coming to Pune on 15/01/2018 and Deven Shah would be either abducted or killed and he disconnected the call. However, on 13/01/2018, this accused Ravindra

Chorage contacted Rahul Shivtare, they hatched conspiracy to kill Deven Shah, they came with loaded pistols and killed him.

**11.** Shri. H.D. Ghorpade, the learned advocate for this accused submits that Deven Shah has been killed because of the transaction between him and Nitin Dangat. Nitin Dangat was made an accused as one of the conspirators and he abated the crime. He is released on bail and therefore, this accused is entitled to be released on bail on the ground of parity. Secondly, according to the learned advocate, the investigating papers and particularly, the statements of the informant Atit Shah show that this accused was not the assailant of the deceased. Although, the CCTV footage shows that he fired at the informant, the informant did not sustain any injury. It was the accused Rahul Shivtare who fired at Deven Shah and he succumbed to those injuries. This accused is behind the bar since 21/01/2018. The charge is not framed and the trial is not likely to commence in near future. The allegation that this accused is a man of gangster Chota Rajan and he killed Deven Shah as he was not paying his dues are false and there is no material to substantiate such contentions. The complaint itself was against unknown persons and this accused is falsely implicated after thought. He therefore, submits that this accused is entitled to be released on bail.

**12.** The Investigating Officer has opposed this application by filing his say (Exh.296) on the ground that the temporary bail application of this accused has been already rejected. Secondly, the incident has taken place for recovery of the remaining amount of Rs.30 Lakhs from the deceased and the involvement of this accused in the alleged crime is explicit from the investigating papers. He was one of the

assailant clearly seen firing at the deceased from the pistol in his hand in CCTV footage at the place of incident. The offence is serious and there is direct evidence in the form of the CCTV footage and CDR details of contacts between him and other accused. If this accused is released on bail, he would pressurize the prosecution witnesses. The offence committed by the accused attracts punishment of death or life imprisonment. He therefore, may not be released on bail.

13. Smt. Ujjwala Pawar, the learned Spl. PP has filed compilation of relevant investigating papers and also her detailed say (Exh.300) and based on the same, she vehemently submits that this application does not contain any just ground on which this accused can be released on bail. She has taken this Court through almost all the investigating papers to show that this accused was one of the assailants who killed Deven Shah. There is strong material against this accused and therefore, this accused is not entitled to be released on bail. The informant has also engaged private advocate Shri Pushkar Patil who submits in tune with the submissions of the learned Spl.PP that this accuse is the main culprit who has killed Deven Shah and there is absolutely no ground to release him on bail.

14. The learned advocate for the accused has relied on various rulings in support of his submissions as follows-

1. *Ramesh Kale v/s State of Maharashtra [2024 ALL MR (Cri.)3761],*
2. *Akash Chandalia v/s State of Maharashtra [Cri. Bail A.No.1779/2023 decided on 26/09/2023],*

3. *Akash Shetty v/s State of Maharashtra [2024 ALL MR (Cri.)3664],*
4. *Sidhant Taktode v/s State of Maharashtra [SLP (Cri.) No.12939/2024 decided on 18/12/2024],*
5. *Shriram Bhagat v/s State of Maharashtra [2025 SAR (Cri.)120],*
6. *Yogesh Ahiwale v/s State of Maharashtra [2024 ALL MR (Cri.)3761], [SLP (Cri.) No.8496/2022 decided on 14/10/2022],*
7. *Suraj Uttekar v/s State of Maharashtra [Bail A.No.2897/2024 decided on 03/02/2025],*
8. *Sachin Ekhatpure v/s State of Maharashtra [2023 ALL MR (Cri.)2105],*
9. *Chandrashekhar Sahi v/s State of Maharashtra [AIRONLINE 2020 BOM 2766],*
10. *Javed Shaikh v/s State of Maharashtra [(2024) 9 SCC 813],*
11. *Indrani Mukarjea v/s CBI [2022 ALL MR (Cri.)2282],*
12. *Guddu Harijan v/s State of Maharashtra [2025 ALL MR (Cri.)849],*
13. *Gopal Yadav v/s State of Maharashtra [2025 (1) Bom.C.R. (Cri.)430].*

15. In all the above judgments, the accused have been released on bail on the ground of long incarceration. The speedy trial was considered to be the Constitutional right of the accused and the accused were enlarged on bail holding that the trial is not likely to conclude in near future and the accused cannot be kept behind the bar for indefinite period. In particular, in the judgment of Guddu Harijan, the Hon'ble High Court has considered various precedents and legal principles governing bail such as the prevailing situation before the trial Court,

definition of trial, definition of bail, the principle that bail is rule and jail is an exception and presumption of innocence . Para 16 to 21 would cover the ratio of rest of the judgments. They read as under-

“16. In the present case, Applicant is in custody for 7 long years. There is no possibility of the trial commencing in the near future. Detaining an under-trial prisoner for such an extended period further violates his fundamental right to speedy trial flowing from Article 21 of the Constitution. At this stage, I deem it appropriate to list certain observations of the Supreme Court shedding light on concerns underlying the "Right to speedy trial" from the point of view of an accused in custody whose liberty is affected. In the case of Abdul Rehman Antulay & Ors. Vs. R.S. Nayak & Anr. [1992MANU/SC/0326] the Supreme Court held as under:-

"86. In view of the above discussion, the following propositions emerge, meant to serve as guidelines. We must forewarn that these propositions are not exhaustive. It is difficult to foresee all situations. Nor is it possible to lay down any hard and fast rules. These propositions are:

(1) Fair, just and reasonable procedure implicit in Article 21 of the Constitution creates a right in the accused to be tried speedily. Right to speedy trial is the right of the accused. The fact that a speedy trial is also in public interest or that it serves the societal interest also, does not make it any-the-less the right of the accused. It is in the interest of all concerned that the guilt or innocence of the accused is determined as quickly as possible in the circumstances.

(2) Right to Speedy Trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial. That is how, this Court has understood this right and there is no reason to take a restricted view.

(3) The concerns underlying the Right to speedy trial from the point of view of the accused are:

(a) the period of remand and pre-conviction detention should be as short as possible. In other words, the accused should not be subjected to unnecessary or unduly long incarceration prior to his conviction;

(b) the worry, anxiety, expense and disturbance to his vocation and peace, resulting from an unduly prolonged investigation, inquiry or trial should be minimal; and

(c) undue delay may well result in impairment of the ability of the accused to defend himself, whether on account of death, disappearance or non-availability of witnesses or otherwise.

(4) (11) -----x-----"

(emphasis supplied)

17. The Supreme Court has also held in a series of judgments and orders that in situations where the under-trial-prisoner/accused persons have suffered incarceration rather long incarceration for a considerable period of time and there is no possibility of the trial being completed within the foreseeable future has held that Constitutional Courts can exercise power to release the accused under-trial on bail, as bail is the rule and jail is the exception.

18. This Court (Coram: N.J. Jamadar, J.) in the case of Avinash Ashok Torane Vs. The State of Maharashtra 2 while dealing with a bail application for offence under Section 302 of IPC considering parity with another co-accused who was enlarged on bail considered the unlikelihood of completion of trial coupled with the period of long incarceration of 1 year 3 months of the Applicant and enlarged him on bail.

19. Similarly this Court (Coram: M.S. Karnik, J.) in the case of Sonu Parmeshwar Jha Vs. The State of Maharashtra 3 while dealing with a bail application for offences under Sections 302 and 304(b) of IPC and considering circumstantial evidence against the accused as well as long incarceration of accused of 1 year 7 months enlarged him on bail.

20. In the case of Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Anr. [2024 MANU/SC/0609], the Supreme Court while granting bail to accused incarcerated for 4 years in paragraph Nos. 16 and 17 held as under:-

"16. Criminals are not born but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

17. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."

16. The facts and circumstances of the case in hand, if considered in the light of the above principles, I am not convinced with the ground of long incarceration of this accused to be the sufficient ground to release him on bail. The record would show that the trial of this case is not withheld because of paucity of time or huge pendency before this Court but because of the obstruction by the accused themselves to proceed with the trial expeditiously. The other accused in this case went on to file bail applications and discharge applications one after another before this Court, the Hon'ble High Court and even before the Apex Court. Every attempt to proceed with the trial was negated on the ground of pendency of such application. So, it is not permitted to the accused to protract the trial on one hand and seek bail on the other hand saying that he is entitled for bail on the ground of long incarceration as the trial has not commenced.

17. Considering the case of this accused in particular, he was arrested on 21/01/2018 and he has filed this bail application, first time on 04/01/2025 (barring his temporary bail application filed on different ground). If he had a case for bail, the question would arise as to why he had not filed any such application at earliest? Thus, the ground of long incarceration is created ground and this accused is not the sufferer of long incarceration due to fault of the system. This accused had not filed bail application earlier, probably knowing its fate. He therefore, adopted an option to remain in jail, let other accused be released on bail, so that, he would come with a case of parity and long incarceration. The material on record would show that he has shot dead the deceased in cinematic scene merely because he was owing some amount from him.

**18.** The obvious question would arise as to what is that material? Starting with the FIR, the son of the deceased Atit, who was the eye witness of the incident, lodged complaint against two unknown persons although, he was knowing that one of them was this accused Ravindra Chorage. In his subsequent statement before police, he disclosed the name of this accused and suspected that his father might have been killed in relation to the transactions with the accused Nitin Dangat and Sameer Sadawarte relating to 400 Acres of land at village Daravali and Mulashi. In his supplementary statement, he gave further details of the said transactions stating that his father had invested an amount of Rs. 14.5 Crores in those lands and had paid excess amount of Rs. 2.5 Crores to Sameer Sadawarte and Rs. 3 Crores to this accused Nitin Dangat. So, he expressed suspicion that the said transaction might be the cause for elimination of his father.

**19.** The witness Vishwanath Tapkir was the business partner of deceased Deven Shah and he spoke about various transactions entered into with him. He received information early in the morning on 14/01/2018, that Deven Shah has been shot dead but he was not knowing who killed Deven Shah. In his supplementary statement, he gave further details about the transactions of the lands at Darvali and Mulshi and stated that in the year 2010, Nitin Dangat withdrew himself from those transactions with agreement that he will complete the incomplete work and agreement was executed between them in that regard. However, he could not complete his part and consequently, in the year 2015, he issued a cheque of Rs. 3 Crores to Deven Shah but he did not encash the said cheque. He suspected that due to incomplete

transactions of the lands at Darvali and Mulshi, Deven Shah might have been killed.

**20.** The witness Vijay Hajare was from Karjat, Dist. Raigad and was knowing this accused Ravindra Chorage through his friend Mahesh Mengde since last 15 years. Mahesh Mengde was killed and since then, he was rarely coming to Pune. He was having his friends namely Dada Vighne and Vitthal Nimbalkar at Pune. He was also knowing Pandit Agarwal from Indore, MP as he was having his hotel at Goregaon, Mumbai and all of them were doing the business of estate agents. In the year 2014, Ravindra Chorage and Vitthal Nimbalkar brought Deven Shah to a hotel near Mhatre bridge and he met them there. Deven Shah told him that Nitin Dangat has to pay Rs. 5 crores to him but he is not paying that amount. Nitin Dangat was the friend of Kishor Aware and Kishor Aware was the friend of Vijay Hajare. So, Deven Shah requested them to help him to recover the aforesaid amount from Nitin Dagat and he agreed to pay their commission. Kishor Aware accordingly, arranged meeting in the office at Aundh in which he, Nitin Dangat, Deven Shah, Ravindra Chorage, Dada Vighne, Vitthal Nimbalkar and Pandit Agarwal were present. In that meeting, the transaction of Deven Shah with Nitin Dangat was resolved and Nitin Dangat agreed to get cleared the title of the lands at Paud and Darvali. He received the commission of his share of Rs. 50,000/- which was paid by Pandit Agarwal. Since then, he did not meet Ravindra Chorage.

**21.** In his supplementary statement, he further gave details that Deven Shah was saying that Nitin Dangat was required to pay him Rs. 11 crores and Pandit Agarwal took responsibility to recover that amount

and demanded 50% of that amount as commission. Deven Shah subsequently agreed to pay 30% of the said amount. A meeting was held and Nitin Dangat agreed to repay Rs. 5 crores and Deven Shah agreed to pay Rs. 1 crore as commission to Pandit Agarwal. Some meetings were held to act upon the agreement and after 4-5 months, Pandit Agarwal told him that Deven Shah has paid Rs. 80 lakhs under the said transaction. He paid Rs. 2.5 lakhs each to Dada Vighne, Vitthal Nimbalkar and Ravindra Chorage and remaining amount was to be paid to Sheth (Chota Rajan). After some days, Pandit Agarwal met him and paid Rs. 1 lakh at Panvel and he went to Indore. After some days, Pandit Agarwal told him that the remaining amount is not possible to be recovered from Deven Shah. He came to know from T.V. news that Deven Shah is shot dead.

**22.** Dada Vighne was selling clothes on the road at Pimpri Chinchwad area from 1998 to 2000. He subsequently started Saree Center by name "Krishna Creation" at Bijlinagar and from the year 2011, he started working as commission agent in real estate. He came in contact with Deven Shah through Suhas Roge from Walkeshwar, Mubmai. He also came in contact with Vitthal Nimbalkar in relation to food donation program at Vitthal Temple Navi Peth Pune. He used to take advice of Deven Shah in his real estate business. Deven Shah purchased some lands at village Paud through Nitin Dangat and Sameer Sadawarte and he paid certain amount to them but the transactions were not to be completed. Deven Shah therefore, suggested him to find some solution for the same. After some days, he met Vitthal Nimbalkar, Ravindra Chorage, Vijay Hajare and Pandit Agarwal at Vitthal mandir and the issue of Deven Shah was discussed. It was found that Nitin

Dangat is a friend of Kishor Aware and the matter can be settled through him. Accordingly, they arranged meeting with Deven Shah and they agreed to recover the due amount from Nitin Dangat but they asked Deven Shah as to what consideration he has to pay to them. They demanded 50% of the total amount to be recovered, which Deven Shah denied but he subsequently, he agreed to pay 30% of the amount.

**23.** Accordingly, a joint meeting was arranged with Nitin Dangat and Deven Shah and both of them agreed to settle their transactions. After one month, both of them called him, Ravi Chorage, Pandit Agarwal and Vijay Hajare in the office of Deven Shah and they were told that Deven Shah has settled his dispute with Sameer Sadawarte and has also finalized the dispute with Nitin Dangat of his own. Nitin Dangat woes to pay him Rs. 3.5 crores. He has paid Rs. 50 lakhs by cash and has issued post dated cheque of remaining amount of Rs.3 Crores. After some days, Deven Shah called Pandit Agarwal from Madhya Pradesh and paid him Rs. 75 lakhs as his commission. Pandit Agarwal paid Rs. 2.5 lakhs to him and similar amount was given to him to be paid to Vitthal Nimbalkar, which he paid.

**24.** After some days, Deven Shah called him and told that the period of validity of the cheque issued by Nitin Dangat is expired. He therefore, asked Nitin Dangat for payment of the said amount and he assured to pay it but asked for some time. After two months, Nitin Dangat told that he is unable to pay the said amount and alternatively, he will transfer his land to Deven Shah. However, Nitin Dangat did not act accordingly despite several requests made for the same. Lastly, Deven Shah called him in his office and told that it will not be within his

capacity to recover the amount from Nitin Dangat and he himself will deal with the matter as per his procedure and he should not make phone call to Nitin Dangat. Therefore, all of them dropped the said issue but Ravindra Chorage was continued to visit the office of Deven Shah to recover remaining commission of Rs. 30 lakhs, to be paid by him for the aforesaid transaction. In his supplementary statement, Dada Vighne gave further details of the transactions with Deven Shah and Nitin Dangat in consonance with his earlier statement and told that he saw the news on TV channel on 14/01/2018 that Deven Shah is shot dead.

**25.** Vikas Shinde was doing cable network business and he had installed Cable Tower on terrace of the building of Nitin Dangat. In the year 2003, there was criminal case registered against him and Nitin Dangat in Bundgarden Police Station and Nitin Dangat was released on anticipatory bail. On request made by him, he tried to settle the dispute between him and Deven Shah and attended the meetings for the said purpose in the year 2015 wherein, Deven Shah demanded either the land or the commission amount. After some time, Nitin Dangat told him that Ravindra Chorage, Pandit Agarwal and Vijay Hajare are harassing him for repayment of the amount of Deven Shah. He was the member of the meetings held and he states about the discussion took place therein, similar to earlier witnesses.

**26.** He further states that he heard news on TV channel on 14/01/2018 that two unknown persons shot dead Deven Shah. At about 2.30 to 3.00 p.m., Ravindra Chorage came to his house with a plastic bag, in which, there were two pistols and he told him that he along with his friend Rahul Shivtare have fired at Deven Shah. He demanded some

amount to flee away in Konkan area. He paid Rs. 10,000/-. He also went to Rupesh Misal Hotel at Somatne Phata and paid Rs. 30,000/- to him and Rahul Shivtare was present there. His supplementary statement was also recorded.

**27.** Vitthal Nimbalkar has stated about the transaction between this accused and Deven Shah and the meetings held to resolve the said dispute. He admits that Dada Vighne paid him Rs. 2,50,000/- as his commission for resolving their dispute. Hitendra Patel is a business partner of Deven Shah, who had invested some amount for purchasing the lands at Darvali. Nitin Dangat was also the partner in that deal who retired in the year 2011, by giving all rights to Deven Shah. He has not stated anything about the actual incident or the motive behind it. Similar is the statement of Vimal Kalria and Pravin Patel.

**28.** The written agreement dated 15/08/2010 was executed between Deven Shah and Nitin Dangat which shows the terms and conditions regarding the transactions of the lands at village Dhayri. Similar agreement has been executed between them regarding the lands at village Darvali and Paud. There is an agreement dated 25/08/2010 whereby, Nitin Dangat has retired from all his responsibilities and issued a cheque of Rs. 3 Crores to Deven Shah, in discharge of his pecuniary liability, while agreeing to complete the work which was remained incomplete.

**29.** The prosecution has placed strong reliance on the confessional statements of two assailants i.e. Ravindra Chorage and Rahul Shivtare. Although, both them have retracted those confessions,

the prosecution relies on the same for the purpose of finding conspiracy of this accused in killing Deven Shah. The confessional statement of Ravindra Chorage discloses that he was acquainted with both Deven Shah and Nitin Dangat, in relation to the land transactions. He has narrated his family background and his participation in real estate business and the role played by him with other accused in resolving the dispute between this accused and Deven Shah. The careful reading of the confessional statements of both of the assailants reveals that they have nowhere stated in their confessional statements that Nitin Dangat was the member of conspiracy to kill Deven Shah. They have stated that Nitin Dangat was liable to pay Rs. 3 Crores to Deven Shah and when Deven Shah approached them to recover the said amount, they extended help and resolved the matter, in consideration of the commission of Rs. 1.10 Crores. Deven Shah had paid Rs. 75,00,000/- and he was not paying the remaining amount, despite several requests. Pandit Agarwal, who was said to be the man of Chota Rajan, gave a pistol to Ravindra Chorage, saying that Deven Shah shall be killed by using that pistol, if he did not pay the remaining amount. It is therefore, Ravindra Chorage took help of Rahul Shivtare who was already having another pistol and both of them went to the residence of Deven Shah and shot him dead.

**30.** Thus, apart from CCTV footage and CDR details, the statements of the above witnesses, who had taken actual part in the transaction with Deven Shah have clearly implicated this accused. They were not the witnesses of the incident and obviously, they have not named him to be the assailant. The own confessional statement of this accused discloses the actual events took place at the time of incident.

Therefore, there is strong material against this accused to point his involvement in the alleged crime.

**31.** Coming to the motive for commission of the crime, the motive behind killing Deven Shah was not the transaction between Nitin Dangat and Deven Shah but it was the transaction between Deven Shah and these accused, who mediated between Nitin Dangat and Deven Shah in consideration of commission of Rs. 1.10 Crores. However, Deven Shah settled his transaction with Nitin Dangat of his own and asked the accused not to take part in that transaction henceforth. He had already paid Rs.75 Lakhs to the accused under that transaction and remaining Rs.30 Lakhs were due from him. This accused was demanding that amount from Deven Shah nevertheless he had settled the transaction with Nitin Dangat without their intervention. Deven Shah was avoiding to pay that amount. He complained about the same to Pandit Agarwal who was the man of Chota Rajan but he also started avoiding this accused saying that he may recover that amount else, eliminate Deven Shah. As a result of this, Deven Shah has been eliminated.

**32.** While deciding bail application of Nitin Dangat, it was found that Nitin Dangat had no *prima facie* motive, much less, his actual participation in conspiracy to kill Deven Shah. As per the FIR itself and the statements of prosecution witnesses, the business transactions of Deven Shah with Nitin Dangat were settled and Nitin Dangat agreed to repay Rs. 3 Crores and issued a post dated cheque of that amount to Deven Shah. So apparently, Nitin Dangat was completely discharged from his liabilities under the transactions with Deven Shah. Therefore,

there was no motive of Nitin Dangat to commit murder of Deven Shah. None of the co-accused or witness stated that Nitin Dangat was one of the conspirator in killing Deven Shah. Under this backdrop, Nitin Dangat has been released on bail by this Court.

**33.** Upshot of the above discussion is that the case of this accused stands on altogether different footing than the case of Nitin Dangat. Therefore, there is no scope to attract the ground of parity in favour of this accused. The accused has failed to *prima facie* establish any ground on merit to justify his release on bail and the ground of parity is not available to him. In view of these reasons, I am of the considered view that this accused is not entitled to be released on bail. Hence, the following order.

**ORDER**

The application is rejected.

Pune  
Date: 27/05/2025

**(S.R. Salunkhe)**  
Special Judge (MCOCA), Pune.