

MHPU010161742021



Order below Exh.234 in Spl. MCOCA Case No. 825/2021

The accused **Prafulla @ Gundya Ganesh Kasbe** was arrested on 03/07/2021 in connection with C.R.No. 332/2021 registered in Yerwada Police Station under Sec. 307, 395, 452, 504, 506, 427 and 188 of IPC, Sec. 4(25) of the Arms Act, Sec. 37(1) r/w 135 and 142 of the Maharashtra Police Act, Sec. 3 and 7 of the Criminal Law Amendment Act and Sec. 51(b) of Disaster Management Act and Sec. 3(1)(ii), 3(2) and 3(4) of MCOCA.

2. This accused filed the regular bail application (Exh. 179) and after hearing both the sides his bail application was allowed on 03/01/2025 and he was released on bail on certain conditions. Subsequently, the prosecution filed an application (Exh. 213) on 28/02/2025 for cancellation of bail on various grounds as mentioned in the application including the ground that this accused has committed breach of the condition to attend the court regularly. Secondly, after released of this accused on bail he conducted rally in market area comprising 20 to 30 motorcycle and that rally was led by him wherein the slogans were given *only Gundya Bhai Kasbe hai, baki sab Khajve hai* and they were having sharp edged weapons in their hands and they spread terror in the locality.

3. The application for cancellation of bail was allowed on 07/04/2025 and the bail of this accused was cancelled. Feeling

aggrieved by the accused filed W.P. No. 4666/2025 on 02/09/2025. However, when that Writ Petition was listed on 25/09/2025 that Writ Petition was sought to be withdrawn with liberty to file fresh application before this court. The leave was granted and the Hon'ble High court observed that in the event such fresh application is filed, learned Spl. Judge shall decide the same on its own merits and in accordance with law, without being influenced by the observations in the impugned order, especially having regard to the fact that nobody appeared for petitioner when the impugned order came to be passed. After withdrawing the said Writ Petition on 25/09/2025, this application is filed on 06/10/2025.

4. Heard Shri R.G. Sonawale, the learned advocate for the accused and Shri Ghogare-Patil, the learned SPP. This court had tried to frame the charge against the accused but this accused was reluctant to frame the charge and to face the trial on the ground that his bail application is pending and he has not engaged an advocate to conduct the trial. Ultimately, a specific order was passed below Exh. 1 on 25/11/2025 connecting the under trail prisoner through V.C. and when the accused submitted that they have engaged the advocates of their choice, the charge against the accused has been framed on 20/12/2024. The prosecution filed list of witnesses and the witness summons have been issued. Three witnesses have been examined sofar and fourth witness is present before the court today. He is examined and even cross-examined by the advocates for other accused but the learned advocate for this accused has filed adjournment application for the cross-examination of the witness.

5. There is no reference in the application as to why the Writ Petition was withdrawn and as to why this bail application was filed immediately thereafter. What was the change in circumstances which would justify filing such bail application without challenging the order canceling his bail. The accused wants to relegate this court back to the original position when his bail application was allowed. However, even after granting bail, so many events have taken place which has resulted in canceling the bail of this accused.

6. According to me, the trial has been started expeditiously. The accused has gone behind the bars because of his conduct after his release on bail. I find no just ground in the application nor any such ground has been orally argued by the learned advocate for the accused which would justify his release on bail. The proper course is to complete the trial as early as possible, provided this accused and his learned advocate would cooperate the same. I find no just ground to entertain such bail plea of this accused which is not based on any just ground which has accrued to him after withdrawal of Writ Petition filed by him against the order of his cancellation of bail. Hence, the order.

ORDER

1. The application is rejected.
2. A copy of this order be sent to Jail Authority by email to be served on the applicant.

Pune
Date: 31/03/2026

(S.R. Salunkhe)
Spl. Judge (MCOCA), Pune.