

**Common Order Below Exhs. 29, 31 & 95**  
**(Passed on 27/03/2024)**

Accused Vivek @ Shubham Durgesh Singh, Mahesh Sunil Kamble and Tejas Haridas Danane and some others are charge-sheeted for the offences punishable under Sections 302, 395, 452, 504, 506, 427 and 201 of the Indian Penal Code, Section 4(25) of the Arms Act, Section 37(1) r/w 135 of the Maharashtra Police Act, Sections 3 & 7 of the Criminal Law Amendment Act and 3(1)(ii), 3(2) and 3(4) of the MCOC Act.

2) The applicants/accused have prayed for regular bail on the grounds mentioned in the applications. The applications are opposed by the prosecution by submitting say at exhs. 35, 34 and 98. It is argued on behalf of all the applicants/accused that these are the first bail applications of the accused. Accused Mahesh and Shubham have previously committed one crime each but they are granted bail and those offences are not committed with the other accused in the instant crime. The injured has sustained simple injury. Trial will take long time. Mobile is recovered at the instance of accused Mahesh Kamble. No weapon is recovered from any of the accused. Accused Tejas Danane found standing at the place of incident. No overt act is alleged against him. There is no recovery at his instance. Earlier crime against him is registered when he was juvenile-in-conflict with law. All the witnesses say against him that he was standing at the place of incident. Accused Shivaraj Mirgal has been granted bail by the Hon'ble High Court and accused Ashutosh Adagale has been granted bail by this court. Parity is claimed by all the accused and

prayed for releasing them on bail.

3) Learned SPP Shri Kavediya submitted that bail applications of accused Sandip and Mahesh are rejected by this court and observations in those applications need to be applied in the instant applications. He further submitted that while granting bail to accused Shivaraj, Hon'ble High Court has observed that no criminal antecedents are attached to him and this is not the case in respect of the applicants/accused. He further submitted that it is alleged against accused Shubham that he used sword to assault Amin Shaikh and his injury certificate is on record. Accused Shubham and Mahesh have criminal past. Hence, they are not entitled to get bail.

4) Coming to the case of Vivek @ Shubham Durgesh Singh, his name is specifically mentioned in the FIR. He found holding palghan during the commission of the crime and this is surfaced in CCTV footage. He also found using the sword to assault witness Amir Shaikh. Previously accused Vivek has committed offence punishable under Sections 365, 342, 324 r/w 34 of the Indian Penal Code. There are reasonable grounds for believing that accused Vivek @ Shubham is guilty of the offences alleged against him and there are chances of him committing any offence while on bail. This makes him disentitled to get bail.

5) In respect of accused Mahesh Sunil Kamble, his name is specifically mentioned in the FIR. Witnesses Juned and Amir have identified him. Previously three offences are registered against him. All the previous offences are of serious nature. In such circumstances

there is every chance of him committing any offence while on bail. This makes him disentitled to get bail.

6) While granting bail to accused Shivraj Mirgal, Hon'ble High Court has observed that no overt act is attributed to him and there is no material that he is member of the organized crime, formed by accused Prafulla Kasbe. These observations are certainly applicable for the purpose of granting bail to accused Tejas Danane because no overt act is attributed to him. Moreover, there is no material to indicate that he is member of the organized crime syndicate formed by accused Prafulla Kasbe. He is in jail since 03/07/2021. More than two and half years have been elapsed since the date of his arrest. At the time of arrest, he was of 20 years. Looking to his age and his role in commission of the crime, he is entitled to get bail.

7) Above discussion leads this court to pass following order. In the result, following order is passed.

### **ORDER**

1. Applications at exhs. 29 and 31 are rejected.
2. Application at exh. 95 is allowed and accused Tejas Haridas Danane is released on bail subject to execution of personal bond of Rs. 15,000/- alongwith solvent surety of Rs. 10,000/- and cash surety of Rs. 5000/-.
3. He shall not threat the informant and other witnesses, directly or indirectly.

4. He shall appear before the In-charge of Police Station, Yerwada on every Sunday between 5.00 p.m. and 7.00 p.m. till framing of charge against him.
5. The applicant/ accused to comply as per Chapter-I Para 12 of the Criminal Manual.

**Pune.**

Date : 27/03/2024

**(D. V. Kashyap)**

Spl. Judge under MCOC Act, Pune