

MHPU010086992024



**Order below Exh.13 in Special (MCOCA) Case No. 746/2022**

Accused **Abhishek Ram Gangane** was arrested on 26/03/2023 in connection with C.R.No. 81/2022 registered in Haveli Police Station under Sec. 302, 143, 147, 149, 427, 504 of IPC, Section 4(25) of Arms Act, Sec. 37(1) 135 of Maharashtra Police Act, Sect. 3, 7 of Criminal Law Amendment Act and Section 3(1)(ii), 3(4) of MCOCA Act. He has filed this application for bail under Sec. 439 of the Code of Criminal Procedure. He contends that this is his first bail application and no other application is pending in any other Court.

2. This is a case of brutal murder committed to take revenge of previous quarrel and to establish supremacy of the organized crime syndicate. On 23/03/2022 at about 5 p.m., the informant Shubham Dhebe along with his brother Maruti Dhebe were proceeding to Nanded village by their Unicorn motorcycle. When they reached to Jagtap Wasti, Maruti stooped his motorcycle in front of Balaji Scrap Center and he went to meet his friend Manoj Yadav. When both of them were chatting with Manoj Yadav, five boys came there with scythes in their hands. They were identified to be accused Dadya Chavan, the present accused Abhi Gangane, Amol Shelar, Prasad Athawale and Sainath Aade. All of them started assaulting Maruti Dhebe by scythes in their hands and empty beer bottles lying there. The informant tried to rescue his brother Maruti but Dadya Chavan and Prasad Aade assaulted him by scythes. The accused Raj Jadhav and Raja Kolekar came there with a car and all the accused fled away by that car. They caused damage to the pan stall of Sugriv Yadav and also to the Activa motorcycle standing in front of

Sawali Dhaba at Nanded fata. Maruti was taken to Sahyadri Hospital at Deccan, Pune but he succumbed to injuries at 7.10 p.m. The incident was reported to the police station, crime was registered and the accused were arrested.

3. Smt. Parulekar, the learned advocate for the accused submits that no role is attributed to this accused in the FIR and the informant has made improved statement after thought to falsely implicate this accused in this crime. Nothing has been recovered from this accused and no TI pared has been conducted to identify this accused. Even going by the FIR, this accused was not the main assailant and it is alleged that he assaulted the deceased by empty beer bottle. This accused was not the member of any organized crime syndicate nor involved in any continuing unlawful activity. Therefore, the provisions of MCOCA are not prima facie attracted against this accused. The investigation is completed and the chargesheet is filed. This accused is incarcerated in jail since 26/03/2024. The charge against the accused yet not framed and the trial of the case is not likely to commence in near future. The learned advocate refers the investigating papers including the FIR, panchnamas, confessional statements of some of the accused and the statements of the witnesses to submit that they disclose very minor role of this accused in the alleged incident. The accused is the local resident and he is not at flight risk. He will abide by all the conditions those would be imposed by this Court. Thus, according to the learned advocate, this accused would be entitled to be released on bail.

4. The Investigating officer has opposed this application by say (Exh.15). Based on it, Shri. Ghogare-patil, the learned APP submits that this is a case of tussle between two organized crime syndicates and

consequent brutal murder of the deceased to establish supremacy in the locality. All the accused are the members of the organized crime syndicate headed by the accused No.1- Raj Jadhav. This is a per-planned conspiracy to eliminate the deceased. The co-accused Aditya Adawade has narrated the said conspiracy in his confessional statement. The entire incident has been captured in CCTV installed in Sanjeevani Medicals in front of the place of incident. The involvement of this accused in the said crime is explicit therefrom. The informant was the eye witness and he was also injured in the incident. There are criminal antecedents of this accused and one crime under Sec.307 of IPC has been registered against him prior to this crime. The learned APP therefore, submits that this accused is the active member of the organized crime syndicate and he has indulged in continuing criminal activities. Thus, he is liable for the offences under MCOCA. The offence committed by him with common intention and common object of other accused attracts capital punishment and therefore, this accused will not be entitled to be released on bail.

5. Having considered the rival submissions and on going through the investigating papers it is explicitly clear that this accused was one of the conspirator and assailant. It is not important as to which weapon he had used. He was actively involved in killing the deceased. The motive can traced from the confessional statement of the co-accused Aditya Adavade. According to him, this accused was his friend and he was trying to declare himself as "*Bhai*" through social media platforms. Two years prior to this incident, the deceased and his friends had assaulted one Suraj Dedage, who was the friend of this accused and they has abused his mother at that time. He has categorically stated as to how the conspiracy to kill the deceased was hatched.

6. The evidence collected during investigation is strong enough to connect this accused in the alleged crime and he was actively involved in killing the deceased. This application does not disclose any just ground to release this accused on bail. The possibility that the trial will not be concluded in near future is presumptive. It is true that the charge is yet not framed but it was not possible to be framed due to pendency of such interim applications. For instance, this application was filed on 24/05/2024 but it was not argued by this accused until the order was passed to keep this application for further order for non-prosecution. The trial can be expedited provided, the accused are ready to co-operate. Thus, this cannot be taken as a ground which would justify release of this accused on bail. Hence, I hold that this application is devoid of merit and thus, it is liable to be rejected. Hence the order.

**ORDER**

The bail application is rejected.

Pune  
Date: 08/01/2025

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