

MHPU010191492022



Order below Exh.19 in Special (MCOCA) Case No. 746/2022

Accused **Krushnakant @ Dada Chandrakant Chavan** was arrested on 31/03/2022 in connection with C.R.No. 81/2022 registered in Haveli Police Station under Sec. 302, 324, 143, 147, 148, 149, 427, 504 of IPC, Section 4(25) of Arms Act, Sec. 7 of Criminal Law Amendment Act and Section 3(1)(i)(ii), 3(4) of MCOCA Act. He has filed this application for bail under Sec. 439 of the Code of Criminal Procedure (U/s 483 of BNSS). He contends that this is his second bail application and no other application is pending in any other Court.

2. This accused had filed the first bail application (Exh.7) but it has been rejected by this Court on 27/03/2024. Thereafter, he filed Cri. Bail Application No.1690/2024 before the Hon'ble High Court. After hearing for sometime, the Hon'ble High Court shown disinclination to grant bail, that application was withdrawn seeking liberty to move afresh after nine months. The liberty was granted and thus, this second bail application has been filed on 18/07/2025, the prosecution filed say on 20/08/2025 and this application has been argued on

3. The grounds raised in this application were somewhat similar to the grounds raised in the first bail application. Some additional grounds raised are that according to the accused, he was not present at the place of incident and he was not seen in the CCTV footage. There are contrary statements regarding his presence and the role. Even going by the FIR, he was not the main assailant he had not

caused such injuries which would cause death of the deceased. The co-accused have not named this accused in their confessional statements recorded under Sec. 18 of the MCOCA. The owners of pan stall and Activa moped have not alleged that this accused has caused damage as alleged in the FIR. The long incarceration is yet another ground raised by the accused.

4. Coming to the incident, 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.

5. Shri. Sudhir Shah, the learned advocate for the accused submits that no role is attributed to this accused in the FIR and the informant has made contradictory statements regarding the role of this accused only with a view to falsely implicate him in this crime. Even going by the FIR, this accused was not the main assailant and he 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 charge-sheet 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.

6. The Investigating officer has opposed this application by say (Exh.21). Shri. Ghogare-patil, the learned APP makes the similar arguments as made during the arguments on the first bail application of this accused. He 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.

7. He further submits that there are criminal antecedents of this accused and two crimes have 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 which attracts capital punishment and therefore, this accused will not be entitled to be released on bail.

8. Having considered the rival submissions and on going through the additional grounds raised in this application, I am not inclined to release this accused on bail. The grounds raised additionally would not justify release of this accused on bail. It is explicitly clear from FIR and the statements of the witnesses 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 be traced from the confessional statement of the co-accused Aditya Adawade. 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

had abused his mother at that time. He has categorically stated as to how the conspiracy to kill the deceased was hatched.

9. Thus, 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. After rejection of the first bail application, it was quite possible to frame charge against the accused and to proceed with the trial expeditiously but this accused filed bail application before the Hon'ble High Court and framing of charge was thus prolonged due to pendency of the said bail application. The accused were brought on V.C. to frame charge against the accused but the accused had submitted that since his bail application is pending before the Hon'ble High Court the charge may not be framed. Ultimately the bail application before the Hon'ble High Court came to be withdrawn on 18/09/2024. The bail applications of some other accused were also pending for hear and the time has lapsed for hearing and decision of those bail applications. On 16/06/2025 the charge was again tried to be framed but at that time also the accused submitted that their bail applications are pending before the Hon'ble High Court and therefore the charge may not be framed. A specific order to that effect is passed on Exh. 1.

10. Thus, the record would show that the charge has not been framed and the trial is not proceeded because of reluctance of the accused to face the trial raising the ground that their bail applications are pending before the Hon'ble High Court. Therefore, this accused

cannot get a right to get enlarged on bail merely because the trial is not proceeded since the date he withdrew his bail application before the Hon'ble High Court. It was because of reluctance of the accused the trial is not proceeded with. Even today also, when the accused were connected through V.C. the accused Krushnakant Chavan submits that he is not aware of the order passed by the Hon'ble High Court in his bail application. All the accused submit that they have not yet engaged the advocates to conduct the trial. The accused Dashrath Jadhav and Abhishek Gangane submit that their bail applications are still pending before the Hon'ble High Court and therefore they have not taken steps to engage the advocates to conduct the trial and the charge may not be framed against them till the decision on their bail applications. The prosecution and defence advocates are required to be heard before framing charge and therefore the charge against the accused cannot be framed forthwith due to aforesaid circumstances. In view of the aforesaid reason this bail application is not tenable and it is liable to be rejected. Hence, the order.

ORDER

The bail application is rejected.

Pune
Date: 23/09/2025

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