

MHPU010191492022



Order below Exh. 38 in Spl. MCOCA Case No. 746/2022

The accused **Amol Arjun Shelar** has been arrested on 26/03/2022 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, under Sec. 4 r/w. 27 of the Arms Act, Sec. 7 of the Criminal Law Amendment Act and under Sec.3(1)(i)(ii) and 3(4) of MCOCA. He has filed application for bail under Sec. 439 of Cr.P.C. He contends that this is his first bail application and no other application is pending in any other Court.

2. The prosecution case in brief is that on 23/03/2022 at about 5.15 p.m. the deceased Maruti Laxman Dhebe and his brother Shubham Laxman Dhebe (the informant) were chatting with their friend in Balaji Scrap Shop situated in two storied building of Eknath Ghule at Survey No. 11/1 at village Nanded city, Pune. Five accused came and assaulted Maruti Dhebe by the weapons like scythes, empty beer bottles and Palghan and committed his murder. The informant came to rescue the deceased and the accused assaulted him also. All the accused raised the weapons in their hands and caused damage to the vehicles and pan stall of Sugriv Yadav and went away by the car parked there.

3. The learned advocate for the accused submits that the accused has committed no offence and he is falsely implicated in this crime. He is not the member of any organized crime syndicate and

therefore the offences under MCOCA are not attracted against him. He is the local resident and he will not flee from justice. He will abide by all the conditions imposed by this court. Even going by the FIR, the accused Dashrath @ Raj Jadhav is the gang leader and his name was there in the FIR as the accused No. 1. He is released on bail by the Hon'ble High Court. The accused Chandrakant @ Dada Chandrakant Chavhan had the similar role alleged in the FIR and he is also released on bail by the Hon'ble High Court. Both the bail orders are produced on record. The learned advocate therefore submits that the ground of parity is accrued to this accused and thus he is entitled to be released on bail.

4. The application is opposed by the prosecution by say (Exh. 49) alleging that this accused was one of the assailants who has caused injuries to the deceased by a scythe in his hand. The said scythe and the other weapons like sword and palghan used by co-accused to assault the deceased are recovered from this accused as per the disclosure statement made by him. There were blood stains on the clothes of this accused and those clothes have been seized under panchnama. The eye witnesses Shubham Dhebe and Manoj Yadav have named this accused to be one of the assailants. There was sufficient material against this accused to invoke the provisions of MCOCA and therefore the bar under Section 21(4) of MCOCA would be applicable to this accused. The accused No. 5 Aditya Adawade has named this accused to be one of the assailants in his confession recorded under Section 18 of the MCOCA.

5. Shri Ghogare-Patil, the learned SPP submits that this accused was one of the assailants and his overt act during the incident

has been captured in CCTV footage. This is a brutal murder and is heinous crime and this accused has played the prime role in killing the deceased. The ground of parity is not available to this accused as his role is different from the accused Raj Jadhav and Krushnakant Chavhan. The Hon'ble High Court has observed that both of them were not the assailants. Krushnakant Chavhan was the driver of the car and Raj Jadhav was sitting in that car when other accused were assaulting the deceased. Therefore, those accused have been released on bail. On the contrary this accused was one amongst the assailants and therefore the ground of parity will not be available to this accused.

6. Having considered the rival submissions and on going through the investigating papers, the offence is certainly the heinous crime as the deceased has been mercilessly killed. This accused was one of the assailants and the intention to kill can very well be gathered from the way the deceased was assaulted. There is CCTV footage in which the entire incident has been captured. According to me, such an accused will not be entitled to be released on bail. I would be in agreement with the submissions of the learned SPP that Raj Jadhav and Krushnakant Chavhan have been released on bail as they were not the assailants. Such is not the position in respect of this accused. Therefore, the ground of parity will not be available to this accused.

7. As regards long incarceration, it is not perse ground alone on which the release of the accused on bail would be justified in such a serious crime. Even otherwise the record would show that the accused have contributed the delay in proceeding with the trial and they cannot be allowed to take undue benefit of their own ground. The both parties

can be heard before charge, the charge can be framed if material found and the trial can be expedited. Under the circumstance, I find no just ground to release this accused on bail. Hence, the order.

ORDER

The application is rejected

Pune

Date: 20/03/2026

(S.R. Salunkhe)

Special Judge (MCOCA), Pune.