



Session Case No. 118/2025
(CNR No.: MHPU14-001424-2025)
State of Maharashtra through
Vadgaon Nimbalkar Police Station
Vs.
Amol Vasant Mane & others.

ORDER BELOW EXH. 41

1. This bail application filed by applicant/ accused No.2 **Sagar Vasant Mane** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of bail on ground of parity, in connection with Crime No. 104/2025 for the offence punishable under Section 103(1), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, r/w. Section 4(25) of Arms Act, registered with Vadgaon Nimbalkar Police Station, Dist. Pune.

2. **The allegations in the FIR are summarized as under:**

Informant Avinash Gadekar lodged report on 06/04/2025 to Vadgaon Nimbalkar Police Station alleging therein that, Verna Car bearing registration No. MH-14-EC-350 was purchased for consideration of Rs.3,50,000/-, by his brother Rohit Suresh Gadekar (deceased victim) from Amol Vasant Mane (Accused No.1), however it was not registered in the name of Rohit Gadekar. The said car was in the use of Rohit Gadekar.

3. Rohit Gadekar had advanced loan of Rs. 34,00,000/- before six months to Amol Vasant Mane and Sagar Vasant Mane (Accused No.2), and for security of said loan amount sale deed of 50 R land, situated at Sortewadi, Mane Vasti, Tal. Baramati was got executed. Since then victim Rohit and both accused were wondering together. Before 15 days of the date of incident victim

Rohit had informed to the informant that, before some days he has advanced an amount of Rs. 15,00,000/- to accused No.1 on interest, however since last 8 days accused No.1 had gone in the Karnataka State, on making phone calls he is avoiding to repay the amount.

4. On 05/04/2025 at about 4.00 PM accused No.1 was came to the house of informant in his silver colour Celerio car. At about 4:30 PM victim Rohit and accused No.1 were quarreling with each other sitting in the car of accused No.1 on account of repayment of loan of Rs. 15,00,000/-. Accused No.1 assured that, till night hours he will repay his loan amount and then he left the said spot. At about 8:00 PM when informant was returned back to home from library, victim Rohit left the house and proceeded by Verna car, informant asked him where he is going, on that he replied that, Amol Mane and Sagar Mane have repaying the amount to him and they have called him at Kulkarni Canal.

5. After taking dinner at about 8:30 PM informant proceeded on his motorcycle for purchasing medicine tablets, at that time he saw victim Rohit was stopped near Kulkarni Canal by parking his car by the side of road. He asked victim what he is doing there and when he is coming to home for taking dinner, on which he replied that Amol Mane and Sagar Mane are coming for payment of Rs.15,00,000/- to him and he is waiting for them. The informant had purchased medicine tablets and was returning back to his house, at that time he noticed that, the talk between victim Rohit and both accused Amol Mane and Sagar Mane in loud voice was going on. He was intending to give medicine tablets, therefore

he had not stopped there and went to his house.

6. At about 9:39 PM informant made phone call to the victim stating that, the work of flooring tiles is remained, for which crush sand is required on which victim Rohit replied that, Amol Mane and Sagar Mane quarreling with him on account of repayment of Rs.15,00,000/-, and informant is asking him about crush sand, he also informed to cut the phone and he will arrange crush sand on next day. Then informant cut the phone.

7. On 06/04/2025 at about 00:44 hours Vinayak Harihar made phone call from his mobile phone to the informant and informed that, victim Rohit has sustained injuries by sharp edged weapon and he is lying in pool of blood near Kulkarni Canal to Shendkarwadi Road, Near poultry of one Gaurav Khengare. After receipt of said information, informant and his cousin Hemant Gadekar reached to the spot. Vinayak Harihar and Indrajit Mane were stopped there, they took both of them at the spot of incident. Informant noticed that, there were no natural movements of victim Rohit and there were multiple injuries on his face, neck by sharp edged weapon and he was lying in the pool of blood. Informant realized that, he is died. Verna car was parked by the side of road. Indrajit Mane had gave information of the incident to the police, therefore the police were reached to the spot. Informant told to the police that, it is dead body of his brother Rohit Gadekar. He also informed to police that, accused Amol Mane and Sagar Mane have committed his murder on account of payment of loan amount of Rs.15,00,000/-. On said report lodged by informant above referred crime has been registered against the accused.

8. This applicant/accused No.2 was arrested on 07/04/2025. He was remanded in Police custody. Now he is in Judicial Custody remand. Investigation is completed, charge-sheet is filed. Accused no.1 Amol Mane released on bail by the Hon'ble High Court in Bail Application No. 4088/2025 vide order dated 02/02/2026, hence, he filed this application for bail on ground of parity.

9. The prosecution has resisted the application by filing its reply at **Exh.42**. Contents in it are nothing but replica of contents of FIR. Further according to prosecution case, the offence is serious one. The accused no.1 to 3 hatched conspiracy with each other for committing murder of victim Rohit on account of repayment of loan of Rs.15,00,000/- obtained from victim and committed his brutal murder by deadly weapons axe, scythe and screw driver, by causing injuries on vital part of victim. If, accused no.2 is released on bail, there is every possibility of committing offence against person of prosecution witnesses. The accused No.2 and prosecution witnesses are resident of one and the same locality, therefore, there is every possibility of repetition of crime, pressurizing prosecution witnesses, tampering prosecution evidence. There is possibility of fleeing the accused from justice. There is possibility of repetition of crime. Hence, urged for rejecting the application.

10. Notice was issued to the informant, in response to said notice he appeared through advocate and filed his reply at Exh. 47, contending therein that, though there is no eye-witness to the alleged incident, there are strong circumstances pointing guilt of accused. The informant himself is credible witness, he had last seen

victim in the company of accused. Murder of victim committed brutally by sharp edged weapons. Roll of accused no.2 is different, therefore no ground of parity is available to him. Hence urged for rejecting application.

11. Heard arguments of both sides. Learned counsel for the applicant/accused submitted that, the Hon'ble High Court granted bail to main accused in Bail Application no. 4088/2025 vide order dated 02/02/2026 observing that, the case is based on circumstantial evidence, the brother of deceased had last seen accused on earlier date of incident at about 8.30 pm. Incident occurred between intervening night of 05/04/2025 and 06/04/2025. Applicant has no criminal antecedents and granted bail. He further submitted that, the role attributed to accused no.1 was more serious than the role attributed to this accused no.2. Except discovery of clothes of accused nothing recovered or discovered from this applicant no.2. Except statement of complainant there is no other evidence showing complicity of this accused in alleged crime. This applicant/accused no.2 has no criminal antecedents. Thus, as per his submission applicant / accused no.2 is entitled for bail on ground of parity.

12. The learned APP submitted that, punishment provided to the offence registered against accused is capital punishment of death sentence. Scythe has been recovered on the basis of memorandum statement made by accused no.3, in which he has stated role attributed to each accused. The P.M. report shows multiple injuries of grievous nature caused to victim. The informant, witnesses and accused are residing in same locality.

There is possibility of tampering prosecution evidence, threatening witnesses. Hence, urged for rejecting application.

13. The learned counsel for the informant submitted that, offence is serious. Role attributed to accused no.2 is different, no ground of parity is available. There is possibility of tampering evidence, threatening witnesses. Hence, urged for rejecting application.

14. On hearing arguments of both sides, I have evaluated the charge-sheet, documents filed along with charge-sheet and also gone through the order dated 02/02/2026 in Bail Application No. 4088/2025 passed by Hon'ble High Court. The observations in said order passed by the Hon'ble High Court shows that, the case is based on circumstantial evidence, the brother of deceased had last seen accused on earlier date of incident at about 8.30 pm. Incident occurred between intervening night of 05/04/2025 and 06/04/2025. Applicant has no criminal antecedents and granted bail. The record shows that, role attributed to accused no.1 was more serious than the role attributed to this accused no.2. Except discovery of clothes of accused nothing recovered or discovered from this applicant/accused no.2. Though the learned A.P.P. and learned counsel for the complainant/informant argued that, role attributed to accused no.2 is different than role attributed to accused no.1, however they have not pointed out that, how the role of accused no.2 is different than role attributed to accused no.1. On the contrary the record shows that, role attributed to this accused no.2 is lesser serious than role attributed to accused no.1. He has no criminal antecedents. Hence, this court has no option except to

grant bail to accused no.2 on the ground of parity, in view of the observations made by Hon'ble High Court in above referred order. Hence, I proceed to pass following order.

ORDER

1. The Bail Application (**Exh.41**) filed by Applicant/accused No.2 **Sagar Vasant Mane** in Session Case No. 118/2025 **is allowed**.

2. Applicant/accused No.2 **Sagar Vasant Mane** be released on bail in C.R. No. **104/2025** for the offence punishable under Section 103(1), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, r/w. Section 4(25) of Arms Act, registered with Vadgaon Nimbalkar Police Station, Dist. Pune, on execution of P.R. of **Rs.50,000/- (Rupees Fifty Thousand)** and on furnishing surety in like amount on following conditions :

- [i] The applicant/accused shall attend the Vadgaon-Nimbalkar Police Station once in a month on 5th of every month in between **11.00 A.M. to 2.00 P.M. till conclusion of trial**.
- [ii] The applicant/accused shall not temper with prosecution evidence or pressurize the informant, and witnesses in any manner whatsoever.
- [iii] The applicant/accused shall give declaration of place of his residence and shall file the proof of residence, both present and permanent on record.
- [iv] The applicant/accused shall not leave the jurisdiction of this Court without prior permission.
- [v] The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person including informant and witnesses acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer.
- [vi] The applicant/accused shall not indulge in any criminal activities.
- [vii] The applicant/accused shall comply with Chapter-I,

Paragraphs 1 to 6 of the Criminal Manual, 1980.
(In view of order of the Hon'ble Bombay High
Court passed in Criminal Application No.28 of
2010 in Public Interest Litigation No. 25 of 2010
on January 29, 2020.

3. If breach of the any of the above conditions committed, then investigating officer is as liberty to move application for cancellation of bail.
4. Interlocutory applications pending if any, stands disposed of.
5. The bail application (Exh.41) is accordingly disposed of.
6. Intimate to the concerned police station accordingly.
7. The soft copy of this order be sent to the accused by E-mail through Jail Superintendent as per the direction of the Hon'ble Supreme Court of India, in the case of in Re-policy Strategy for grant of bail in SMWP (Cri.No. 04/2021, dated 21/03/2024).

Baramati.
Date : 12/03/2026.

[B. D. Shelke]
Additional Sessions Judge,
Baramati, Dist. Pune

