



Sessions Case No. 109/2023
(CNR No. : MHPU14-002207-2023)

State of Maharashtra
Vs.
Shankar Gavhale & Ors.

ORDER BELOW EXH. 21

1. This is bail application is filed by the applicant/accused No. 5 Akshay Hanumant Waghmode, under Section 439 of Cr.PC. to release him on regular bail, in connection with **Crime No. 108/2023**, registered at Police Station, Baramati City Police Station, Dist. Pune, for the offence punishable under Sections 302, 307, 120(B), 143, 147, 148, 149 read with Section 34 of the Indian Penal Cod and Sections 4 and 5 of the Arms Act.

2. It is the case of prosecution that, first informant Komal Rahul Misal lodged her report to the police station alleging that, on **02/03/2023** at about **20.30** hours applicant and co-accused came at house of first informant holding with Sword and on the reason of previous quarrel caused grievous hurt to her father, namely, Sunil Suresh Khandale by inflicting Swords on his person and he died while taking treatment at Sassoon Hospital, Pune. The applicant and other co-accused also caused grievous hurt to the witnesses i.e. her mother and husband with the help of Sword and pelting stone and bricks on them. They also abused and threatened to kill them. Thereafter, offence was registered at Baramati City Police Station against present accused and co-accused.

3. According to applicant/accused No.5 Akshay Waghmode that, he is innocent and has been falsely implicated in

the present case. The complaint is totally false and has been filed with sole intention to harass him. He not played any active role in this crime. Accused No.1 Shankar Ashok Gavhale is already released on bail, hence rule of parity if applicable to him. Investigation is already completed and charge-sheet is filed in the Court. Therefore, custodial interrogation is not necessary. Nothing is recovery or discovery from this applicant. Applicant further submits that, he is ready to abide by all the terms and conditions imposed by this Court. By pointing out other facts, at last he prayed for releasing him on regular bail.

4. On the other hand, Investigating officer has has filed his say on record below Exh.22 and strongly opposed the present application on the grounds that, applicant has committed very serious nature of offence and he is directly involved in this crime. He is habitual offender. Applicant and other co-accused preplanned with intent to commit murder and with conspiracy they have committed murder of Sunil Suresh Khandale, who is the father of first informant. Applicant/accused and witnesses are residing in one and same are, therefore, if accused is released on bail, then possibility of tampering investigation and pressurizing witnesses cannot be ruled out. At last, Investigating officer also prayed for rejection of this application.

5. Perused the application and say filed by Investigating officer. I have also perused the police papers. Heard both side at length.

6. On perusal of record it reveals to me that, present accused and other co-accused are charged for the offence

punishable under Sections 302, 307, 120(B), 143, 147, 148, 149 r/w 34 of IPC and Sections 4 and 5 of the Arms Act. Record shows that, accused and other co-accused have committed very serious nature of offence and caused murder of Sunil Suresh Khandale due to previous enmity between them and prima faice present applicant is appears to be directly involved in this crime. Admittedly, very heinous and brutal type of murder has been committed by the accused persons. There are multiple injuries on the body of deceased which suggest the gravity, heinous and seriousness of the offence. In this background even after filing of charge-sheet, no case has been made out by the applicant to grant bail irrespective of his age in absence of strong ground to do so. Hence, looking the evidence available on record coupled with the active role played by the accused and in the light of nature of crime committed by the applicant, I am not inclined to allow this application and proceed to pass following order.

ORDER

1. The bail application (Exh.21) is rejected.
2. Intimate to the concerned police station.
3. The application (Exh.21) is accordingly disposed of.

Baramati.
Date : 30/12/2023.

Sd/-xxx
[**R. K. Deshpande**]
Additional Sessions Judge, Baramati
Dist. Pune

CERTIFICATE

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Steno :- **Shri. D. L. Gudde,**
Stenographer (Grade-I)

Name of the Court :- **Shri. R. K. Deshpande,**
District Judge- 2 &
Additional Sessions Judge,
Baramati, Dist. Pune.

Date of Order :- 30/12/2023

Order checked & signed
by presiding officer on :- 02/01/2024

Order uploaded on :- 04/01/2024.