



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

**State of Maharashtra**  
**Vs.**  
**Shankar Gavhale & Ors.**

**ORDER BELOW EXH. 27**

1. This is bail application is filed by the applicant/accused No. 6 Akash Hanumant Waghmode, under Section 439 of the 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, 144, 147, 148, 149 read with Section 34 of the Indian Penal Code and Section 4(25) 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 her house holding Sword and on the reason of previous quarrel, they caused grievous hurt to her father, namely, Sunil Suresh Khandale by inflicting Sword's blow 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 stones and bricks on their person. They also abused and threatened to kill them. Therefore, first informant lodged her report at Baramati City Police Station against present accused and co-accused.

3. According to applicant/accused No.6 Akash Waghmode that, he is not remotely concerned with the alleged offence, he has

been falsely implicated in the said crime. He has not committed any offence much less the offence alleged to have been committed by him. There is absolutely no motive on the part of applicant to commit to get involved in the present crime in question. Co-accused Shankar Ashok Gavhale is released on bail. Applicant/accused further submits that, he had no intention and motive behind the commission of this crime. He is not having criminal antecedent, he belongs to a good family and there is no criminal case pending against him. Applicant is not required in any kind of investigation, nor any custodial interrogation, because he did not attribute any role in the said crime and none of his conducts and acts attracts the alleged sections. Applicant further submits that, he will not tamper with the evidence or the witnesses in any manner and shall not leave India without the prior permission of the Court. He is permanent resident of his above mentioned address. He is ready to abide all terms and conditions, if any, imposed by this Court. 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. 33 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. 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 repetition of crime, tampering the investigation and pressurizing

the witnesses cannot be ruled out. At last, Investigating officer 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, 144, 147, 148, 149 read with Section 34 of the Indian Penal Code and Section 4(25) of the Arms Act. Record prima facie 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 facie present applicant is appears to be directly involved in this crime. Admittedly, very heinous and brutal type of murder has been committed by accused persons of this crime. 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 is 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 the application and proceed to pass following order.

**ORDER**

1. The bail application (Exh.27) filed by applicant /accused No.6 **Akash Hanumant Waghmode** is rejected.

2. Intimate to the concerned police station.
3. The application (Exh. 27) is accordingly disposed of.

Baramati.  
Date : 06/09/2024.

**[ 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 :- 06/09/2024

Order checked & signed  
by presiding officer on :- 06/09/2024

Order uploaded on :- 06/09/2024.