

: ORDER BELOW EXH.15 IN SPECIAL CASE NO.57/2023 :
(CNR No. MHRG15-000673-2023)
(Passed on 17.11.2025)

1) This is an application seeking a regular bail, made by accused **Vijay Ramesh Shetti**, concerning the offence punishable under sections 302 of the Indian Penal Code, 1860, sections 3 and 27 of the Indian Arms Act, 1959 and section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, in Crime No.83/2023 (Special Case No.57/2023) registered with Mhasla Police Station.

2) It is contended that the accused did not commit any offence. He has falsely been implicated in the crime only on suspicion. There are no criminal antecedents against him. He is a permanent resident of Pattan, Tal. and Dist. Kalburgi, State-Karnataka and at present residing at Khairwadi, Dhatav, Vishnunagar, Chandrabhaga Vasti Chawl, Room No.8-E, Tal. Roha, Dist. Raigad. He is the only earning member in the family. No recovery is to be made from the accused. He has been suffering from serious ailment and is under medication. It would take considerable time to decide the matter. He is ready to abide by all the conditions. It is submitted to allow the application.

3) The Investigating Officer and the Ld. A.P.P. for the State, opposed the application by filing say (Exh.16). It is contended that the accused committed murder of deceased Chandrakant by firing a bullet from a country-made pistol at his

head. The offence is serious and there are important witnesses yet to be examined. On release of the accused, the possibility of pressurizing them, cannot be ruled out. The offence has been committed in cold blood. There is evidence against the accused including forensic evidence. The pistol has been sent for chemical analysis, its report has yet not been received. There is possibility of pressurizing the witnesses from testifying in the Court. Hence, the application may be rejected.

- 4) Heard both sides and perused the record.
- 5) Ld. Advocate Mr. P. A. Sheth for accused, and the Ld. A.P.P. Mr. Y. A. Tendulkar for the State, iterated the contentions made in the application and say, respectively.
- 6) Ld. Advocate for accused would submit that the accused has been suffering from serious ailment (H.I.V.) and needs medical care and treatment from home. There is no direct evidence against the accused. He is ready to abide by all the conditions.
- 7) Ld. Advocate for the accused would rely on the citation: **Harshad @ Dolly @ Kaki Manohar Kadam Vs. State of Maharashtra and Anr., [Bail Application No.3311 of 2024, Judgment dated 06.12.2025]**. Wherein, the Hon'ble Bombay High Court was pleased to release the accused allegedly committed offence punishable under sections 377 and 201 of the Indian Penal Code, 1860, under sections 4, 6, 8 and 21 of the the Protection of

Children From Sexual Offences Act, 2012, and section 67C of the Information Technology Act, 2000.

8) The Hon'ble High Court was pleased to observe that the accused therein from LGBTQ+ community, and suffering from H.I.V. and had undergone surgery for other serious ailment, and therefore, was entitled to be released on bail.

9) The Ld. A.P.P. would submit that the offence is serious. A murder came to be committed using the fire-arm. Though, the accused is stated to be suffering from serious ailment, required medical treatment is being provided and can continued to be provided from prison. Considering the gravity of offence and possibility of threatening the witnesses, the accused is not entitled to be released on bail.

10) It is seen that there is a disclosure statement, pursuant to which the pistol came to be recovered as per memorandum panchanama. The C.A. report in respect of Pistol has been filed on record, which supports the prosecution case. The offence is serious. There is *prima facie* material against the accused in respect of his involvement in the heinous crime.

11) No doubt, the accused, about 50 years, has been in the custody from 17.09.2023 and suffering from serious ailment. However, considering the seriousness of the offence, and possibility of committing similar offence, he is not entitled to be released on bail. The matter needs to be taken expeditiously.

12) The ratio laid down in the cited case (supra) relied by the accused, is not helpful to him, as the facts & circumstances in the cited case were different than those are in the present case, including the gravity of the offence and use of the fire-arm.

13) All other aspects need not be gone into details at this stage. All in all, the accused is not entitled to be released on bail. Hence, the following order:-

: O R D E R :

The application Exh.15 is rejected.

The hearing of the matter is expedited. Both sides to note and co-operate in expeditious disposal of the matter.

Mangaon.
Date: 17.11.2025.

(S. T. Bhalerao)
Special Judge, Mangaon
Dist. Raigad.