

MHSO010021282025



IN THE COURT OF SPECIAL JUDGE, AT SOLAPUR

SPECIAL CASE (MCO) No.207/2025
(Order below Exh.32)

The State of Maharashtra

... Complainant

Versus

Suraj @ Bhaiyya Gundappa Surwase,
Age: 25 years, Occu. Labour,
R/o. Sarwade Nagar, Vidi Gharkul,
Solapur, Dist. Solapur

... Applicant/accused

ORDER BELOW (EXHIBIT No.32)
(20/12/2025)

1. Perused application, say and papers of investigation. Heard Ld. Adv. Mr. Quadir Auti for the applicant/accused and learned S.P.P. Smt. S. S. Kyatham, for State.
2. Present application is filed by the applicant/accused No.3 Suraj @ Bhaiyya Gundappa Surwase, for grant of bail in regard to the offences punishable under Sections 309(4), 351(2) r/w. Sec. 3(5) of B.N.S., 2023 and u/ss. 3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organized Crime Act, 1999, registered vide

C.R. No.571/2024 at Jail Road Police Station, Solapur.

3. It is the case of the prosecution that, informant Arjun Mujgound lodged report dated 26.12.2024 at Jail Road Police Station. It is alleged that, on 25.11.2024 at about 11.00 p.m. the informant had brought forty onion bags and 10 bag udid for sale at Solapur Market Committee by pickup van bearing registration No.KA-28/AA-4212. The informant had unloaded the onion bags and parked pickup van near the shop of Raichurkar and he went asleep in the said vehicle. On 26.11.2024 at 3.00 a.m. applicant and co-accused arrived there by white colour Maestro and grey colour Honda Shine Motorcycle. The applicant and co-accused started unloading the udid bags kept in the pickup vehicle of the informant. The informant alight from the vehicle to see who is there. On that co-accused caught hold collar of the informant. Co-accused No.1 removed one knife from the dicky of the maestro vehicle kept it on the neck of informant. Applicant forcibly removed mobile phone worth Rs.12,000/- and cash amount of Rs.3,600/- from the pocket of informant. Thereafter all the accused went away from there by said motorcycles.

4. On the basis of report lodged by the informant CR. No.571/2024 came to be registered at Jail Road Police Station for the offence u/s.309 (4), 351(2) r/w. 3(5) of B.N.S. against unknown persons. During course of investigation applicant and co-accused were found involved in the commission of crime. The

charge-sheet shows that the applicant came to be arrested on 17.03.2025. As per the prosecution the applicant and co-accused are members of organized crime syndicate headed by co-accused No.1. On 04.04.2025 prior approval as per the provisions of Section 23(1)(a) of MCOC Act came to be accorded against applicant and co-accused. On 02.07.2025 Additional Director General of Police (L & O) M.S. Mumbai accorded sanction as per Section 23(2) of MCOC Act against them. After completion of investigation charge-sheet came to be filed for the offence u/s. 309(4), 351(2) r/w. Sec. 3(5) of B.N.S. and U/s. 3(1)(ii), 3(2), 3(4) of MCOC Act.

5. Learned advocate for the applicant submitted that applicant is falsely implicated in the crime. There is no independent eye witness. The prosecution had relied upon selective witness. The prior approval and sanction are accorded mechanically without application of mind. Applicant is arrested on 17.03.2025. There is long incarceration. There is no prima facie case against the applicant. Hence, prayed for grant of bail.

6. The learned advocate for the applicant/accused placed reliance on the following case laws :-

1. **Jitender Dixit @ Bantu Vs. The State (NCT of Delhi), Bail Application No.3831/2023.**
2. **Rajesh Kumar @ Raje vs. State Govt. of NCT of Delhi, Bail**

Application No.2986/2023.

7. Per contra, vide say filed at Exhibit 35 learned APP opposed the application. Ld. S.P.P. submitted that the co-accused caught hold the collar of the informant and co-accused No.1 took out knife from dicky of vehicle of his vehicle and put it on informant's throat and applicant forcefully taken away mobile handset and cash amount of Rs.3,600/- from the pocket of the informant. During course of investigation it revealed that the applicant and co-accused are the members of the organized crime syndicate headed by co-accused No.1. There is involvement of the applicant in the crime. The informant identified accused persons during test identification parade. The knife and motorcycle used in the crime is seized from the co-accused under panchanamas. The offence is serious in nature. The applicant is habitual offender, he has criminal antecedents and prayed for rejection of the application.

8. Perusal of the charge-sheet it is alleged as under:-

“ यातील फिर्यादी अर्जुन मल्लाप्या मुजगोंड वय २५ वर्षे हे मु.पो. लच्यान ता. इंडी जि. विजयपूर राज्य कर्नाटक येथील रहिवासी आहेत. दिनांक २५/१०/२०२४ रोजी रात्री २३.०० वा. चे सुमारास फिर्यादी हे त्यांचे पिकअप वाहन क्रमांक केए/२८/एए/४२१२ मधून ४० पोती कांदा व १० पोती उडीद, असे विक्रीसाठी सोलापूर मार्केट यार्ड येथे घेऊन आले होते. त्यानंतर कांदाची पोती खाली करून फिर्यादींनी त्यांचे पिकअप वाहन हे रायचूरकर दुकानाचे जवळ उभे केले व ते वाहनात झोपले. दिनांक २६/११/२०२४ रोजी पहाटे ०३.०० वा. चे सुमारास यातील आरोपी नामे (१) बसण्णा सत्तू शिंदे, वय-३० वर्षे, रा. न्यू शिवाजीनगर गोंधळेवस्ती सोलापूर (२) अक्षय सिताराम कांबळे, वय-२४ वर्षे, रा. भारतरत्न इंदिरा गांधीनगर, गेटयाल टॉकीजचे मागे ७० फुट रोड

सोलापूर, (३) सुरज उर्फ भैय्या गुंडप्पा सुरवसे, वय-२४ वर्ष, रा. ७९ सरवदे नगर विडी घरकूल सोलापूर, असे त्यांचे पांढ-या रंगाचे मॅस्ट्रो व ग्रे रंगाचे शाईन मोटार सायकलवरून सदर ठिकाणी आले. आरोपी क्रमांक १ ते ३ असे फिर्यादीचे पिकअप वाहनामधून उडीदाचे पोती खाली उतरून घेत असलेचे फिर्यादीचे लक्षात आल्याने फिर्यादीने वाहनातून खाली उतरून पाठीमागील बाजूस जावून, कोण आहे, अशी विचारणा केली असता, आरोपी क्रमांक १ ते ३ असे पिक वाहनातून खाली उतरले. आरोपी क्रं. २ अक्षय सिताराम कांबळे याने फिर्यादीची गच्ची पकडली, आरोपी क्रं. १ बसण्णा सत्तु शिंदे याने त्याचे मॅस्ट्रो गाडीचे डीक्कीमधून चाकू काढून फिर्यादीचे गळ्याला लावला. आरोपी क्र. ३ सुरज उर्फ भैय्या सुरवसे याने जबरदस्तीने फिर्यादीचे खिशातील मोबाईल फोन (कि, अं. १२,०००/-रुपये) व रोख रक्कम ३,६००/- रुपये असा एकूण १५,६००/- रुपयेचा मुद्देमाल काढून घेवून त्यांचे वरील दोन मोटार सायकलवरून निघून गेले आहेत

सदर गुन्ह्यातील आरोपी क्र. १ ते ३ यांचा गुन्हेगारी अभिलेख पडताळणी केला असता त्यांचेविरुद्ध जबरती चोरी व दरोडाची तयारी सारखे ३ वर्षापेक्षा जास्त शिक्षा असलेले (१) जेलरोड पोलीस ठाणे गुरनं. २०३/२०१६ भादंविस कलम ३९४,४११ (२) जोडभावी पेठ पोलीस ठाणे गुरनं. ९७६/२०२० भादंविस कलम ३९४,३२३,३४ (३) जेलरोड पोलीस ठाणे गुरनं. १३३८/२०२० भादंविस कलम ३९९ सह आर्म कायदा कलम ४,२५ सह म.पो. का. कलम १३५,१४२ (४) एम.आय.डी.सी. पोलीस ठाणे गुरनं. १३९/२०२० भादंविस कलम ३९२,३४ (५) एम.आय.डी.सी. पोलीस ठाणे गुरनं. ८४/२०२१ भादंविस कलम ३९४ (६) एम.आय.डी.सी. पोलीस ठाणे गुरनं. ६८५/२०२२ भादंविस कलम ३९७, ३२३, ४२७,५०४,५०६ (७) जोडभावी पेठ पोलीस ठाणे गुरनं, १८२/२०२३ भादंविस कलम ३९२,३४ प्रमाणे गुन्हे दाखल असून सदर गुन्ह्यांचे तपासामध्ये सक्षम न्यायालयात दोषारोपपत्रे दाखल करण्यात आली असून त्याची संबंधीत न्यायालयांनी दखल घेतली आहे.

याशिवाय आरोपी क्र. १ बसण्णा सत्तु शिंदे याचेविरुद्ध पोलीस आयुक्तालय, सोलापूर शहर मधील विविध पोलीस ठाण्यास सन २०१५ ते सन २०२४ या कालावधीत मालाविषयी व शरीराविषयी एकूण ३७ गुन्हे दाखल असून दाखल गुन्ह्यांपैकी एम.आय.डी. सी. पो.स्टे. गुरनं. १७२/२०१५ भादंविस कलम ३८०, ४५७ (आर.सी.सी. नं. ३०१०५५/२०१५), एम.आय.डी. सी. पो.स्टे. गुरनं. २०९/२०१५ भादंविस कलम ३८०,४५७ (आर.सी.सी. नं. ३०१०६१/२०१५), एम.आय.डी.सी. पो.स्टे. गुरनं. ३३५/२०१६ भादंविस कलम ४५४,४५७,३८०, ३४ (आर.सी.सी. नं. १३३८/२०१६) यामध्ये दोषसिध्दी झालेली आहे. ”

9. The prosecution relied upon report lodged by the informant. There are specific allegations that accused persons committed robbery on the point of knife and took away mobile phone and amount of Rs.3,600/- of informant. It is contended in the report that the informant could not lodge the report initially as he was frightened. There is also reference that accused gave threat to kill the informant on disclosure about the incident.

10. The prosecution relied upon memorandum dated 04.03.2025 in regard to test identification parade of the applicant and co-accused Akshay conducted by the Revenue Naib Tahsildar at Solapur Prison. The memorandum shows that the informant identified the applicant. The prosecution also relied upon another memorandum dated 13.03.2025. It shows that the informant also identified co-accused No.1. The prosecution produced statement of informant recorded u/s. 183 of B.N.S.S.

11. The prosecution relied upon memorandum and seizure panchnama dated 12.04.2025. It shows that the knife used in the crime is produced at the instance of co-accused Akshay Kamble. Prosecution relied upon the seizure panchnama dated 28.11.2024. It shows that white colour Maestro motorcycle chasis No.MBLJFW016JGG02749, Engine No.JF33ABJGG01278, one mobile of Vivo company model Y-22, another blue colour Samsung Galaxy A3 Mobile are seized from the co-accused No.1. Further it shows that one gray colour Honda Shine Motorcycle bearing

registration No.MH-13/CN-8092 and Samsung Galaxy A-22 Mobile is seized from the co-accused.

12. The prosecution also relied upon prior approval dated 04.04.2025 accorded as per the provisions of Section 23(1)(a) of M.C.O.C. Act and sanction dated 02.07.2025 accorded as per Section 23(2) of MCOG Act.

13. Considering the charge-sheet there is ample material which shows about the involvement of the applicant and co-accused in the commission of the crime. Prima facie it appears that there is nexus between the present crime and the previous offences committed by the applicant and co-accused. There are no reasonable grounds put forth for believing that the applicant has not committed the alleged offence and there is no likelihood of commission of further offence if the applicant is released on bail. I have gone through the case laws relied by the Ld. Advocate for the applicant. With great respect to the ratios laid down, same are not helpful to the applicant. In view of the seriousness of the offence and specific allegations made against the applicant in regard to involvement in crime, he is not entitled for grant of bail. Hence, I proceed to pass following order.

ORDER

1. The Bail Application Exh.32 is rejected and disposed of.

2. Prosecution shall proceed with case expeditiously
(Dictated and pronounced in open Court)

Date: 20/12/2025.

(R. J. Katariya)
Special Judge, Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : S.R.Kore, Stenographer G-1.
(b) Court : R. J. Katariya,
Special Judge, Solapur
(c) Order signed by P.O. on : 20/12/2025
(d) Order uploaded on : 20/12/2025