



Rushikesh @ Shubham Hanmant Sathe ...Applicant/
Accused No.4
V/s.
State of Maharashtra ...Respondent
(Through Shahupuri Pol. Stn.)

ORDER BELOW EXH.92

1. Gone through the application, say and documents.
2. In short the prosecution case is that, on 16.11.2023 at about 2:30 pm, the injured along with his friend were proceeding from Radhika road after the college. When the Aryan and his friend Uday travelling on Bullet and reached nearby Kaiteya Complex in Pratapganj Peth, the accused Yash Jambhale along with his 16 to 18 companions of Bakasur gang came in front of their motorcycle. They were armed with knife and scythe. The gang leader Yash Jambhale said to injured Aryan that he has taken enmity with Bakasur gang and gave blow of knife into his stomach whereas rest of the gang members assaulted the injured by knife, scythe and piece of tile. Therefore, the report.
3. The Ld. Adv. for the accused submitted that, the FIR discloses name of present accused however, no role has been attributed. The statement of victim also does not assign any role to present accused. As per the prosecution version, the accused persons arrived on motorcycle armed with weapons and they assaulted the victim. However, the medical certificate indicates only one stab injury.

Thus, the report is nothing but exaggerated version. It is further alleged that, the accused is one of the member of Bakasur gang however, the Satara S.P. vide order dated 20.07.2022 had externed all members of said gang however, name of present accused has not been there and the same indicates that, present accused has no concern with the said gang. The accused came to be arrested on 18.11.2022 and since then, he is behind the bars. The trial will take its own time to commence and conclude. The Hon'ble Bombay High Court had already enlarged three co-accused on bail. The role attributed to those accused is one and the same and thus, the accused is entitled for parity. The accused is of young age and if not released, his life will ruin. The accused is available for the trial as he has his entire base within Satara. The accused is ready to abide by all terms and conditions.

4. Per contra, the Ld. APP submitted that, the accused persons and prosecution witnesses are residing in same area. If the accused released on bail, there are chances of tampering with witnesses and evidence. The accused are the members of renowned gang known as Bakasur gang. The accused persons are involved in criminal activities and if they are released on bail, that will be constant threat for the society. The accused are not entitled for the benefit of parity as they are the members of crime syndicate. Thus, prayed for rejection of the application.

5. As per the FIR, the gang leader Yash Jambhale had actually assaulted the injured Aryan. The prosecution alleges that, while the accused were behind the bars in Central Prison, one of the accused Shubham Sathe sent message to other gang members regarding how to run the gang. The jailer caught said message and submitted its report to the Court. The prosecution is trying portrait the

terror of the gang.

6. The investigation has already been completed by filing charge-sheet. As per the prosecution, the accused Aditya Jadhav and Yash Jambhale have assaulted the injured. However, the Hon'ble Bombay High Court was pleased to grant bail to accused Aditya Jadhav, Shantanu Pawar and Aniket Mane whereas, the Additional Sessions Judge was pleased to grant bail to accused Aniket Parshi. The role so assigned to these accused, more or less is same with those co-accused who are granted bail. Thus, the accused are entitled for grant of bail.

As per the police record, each accused has previous antecedents. The accused is having criminal background as well as he is member of crime syndicate known as Bakasur gang. The written message caught by the jailer and kept on record indicates that, the accused are still kin to operate the gang. Be it as it may, however the same needs to be considered while enlarging the accused on bail and considering the message, some stringent conditions are must. Thus, following order:-

ORDER

1. Application is allowed.
2. Applicant/Accused No.4 Rushikesh @ Shubham Hanmant Sathe be released on bail in connection with C.R.No.371/2022 registered with Shahupuri Police Station for the offence punishable under Sections 307, 326, 143, 147, 148, 149, 387, 341 of the Indian Penal Code, Section 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act, 1999, Section 4/25 of Indian Arms Act and Sections 142 and 37(1)(3) of Maharashtra Police Act, on furnishing by him P.B. and S.B. of Rs.25,000/- with one or two sureties of like amount on following conditions ;
 - (i) Accused shall not enter the limits of entire Satara District until further orders.

- (ii) Accused is directed to furnish his new proposed residential address along with his cell phone number with investigating officer.
- (iii) He shall not indulge in any illegal activities while on bail and shall not commit any offence and shall not tamper with the prosecution witnesses and evidence in any manner.
- (iv) He accused shall attend each date so fixed before the Sessions Court and for that day only, the exemption for entering Satara city has been granted.
- (v) The investigation officer is hereby directed to forthwith report breach of any terms and conditions so committed by the accused.

Satara
Date : 16.10.2025.

(A.M. Shete)
Special Judge (MCOCA), Satara.