

MHST010011032026

**ORDER BELOW EXH. 1 IN****CRI. BAIL APPLN. NO.265/2026****Pradip Santosh Badadare ... Applicant****Versus****State of Maharashtra. ... Opponent.**

1. This application seeking bail in connection with C.R. No.25/2026 registered with Shahupuri Police Station for the offence punishable U/sec. 103, 140(1), 189(4), 61(2)(A), 112(2)(A)(B), 111(3), 111(4)(5) of Bhartiy Nyay Sanhita and U/s. 37(1)(3) of Maharashtra Police Act.

2. In short the prosecution story is that, on account of suspicion over firing on the accused Appa Mandhare, the accused nos.1, 4, 5 and 7 eliminated deceased Rushabh Jadhav by assaulting him by means of sickle, iron rod and stone. After the first incident of assault, the deceased was taken to the place situated near the house of accused Appa Mandhare wherein he was again assaulted to death. Therefore, the report.

3. The learned Advocate for the accused submitted that there is no name of present accused in FIR. The key witness Aniket Salunkhe has not assigned any active role to present accused. As per the statement of Aniket Salunkhe, he and the deceased were talking on phone call at that time, all of sudden, the deceased told

him that Dhanraj Mandhare has caught hold him and asked him to come immediately at Andekar Chowk. The statement of Jaysing Kamble is also similar. The prosecution is relying upon TI parade however, on perusal of the report, it is doubtful as there is hardly time gap between first round and onwards. There is no previous antecedent. In the CCTV footage, the accused can be seen however, there is a time gap of 4 minutes. As per the prosecution, the incident occurred in two parts. In first part, the accused persons assaulted the deceased however, no overt act has been attributed to present accused. There is no material against present accused to connect with the incident. He is of younger age having no antecedents. The accused is ready to abide by any terms and conditions hence, prayed for grant of bail.

4. The learned APP and IO by filing say (Exh.06) strongly opposed the application. It is contended that, while first part was going on, the CCTV footage discloses that present accused has facilitated other co-accused to ride the deceased on the motor cycle. Thereafter, he carried two assailants on his motor cycle. For these reasons and the reasons mentioned in the reply, the IO and APP prayed for rejection of the application.

5. With the help of both sides, gone through the application and say. The incident had occurred on 22.01.2026 at broad day light at about 1.00 to 1.30 noon. The deceased was initially assaulted at Andekar Chowk and thereafter, he was carried to the place situated near the house of Appa Mandhare. At the second place, the deceased was assaulted by deadly weapon

like sickle, iron rod and stone. The deceased died on the spot. As per the prosecution story, the accused Appa Mandhare was having suspicion about firing on him by the deceased as well as present informant which had occurred 3 years prior to present incident. The same can be amounts to strong motive for the accused persons to eliminate the deceased.

6. The investigation agency has collected the CCTV footage wherein it has been captured that the assailants and other co-accused were carrying the deceased on motor cycles. The CCTV footage confirms the presence of present accused at the scene of offence. The accused has actively participated in the incident. The accused was part and parcel of the unlawful assembly who has executed the incident in which the deceased was murdered brutally that too during broad day light within the public at large. The prime accused Appa Mandhare and his son and nephew along with other co-accused said to have executed present crime on account of previous incident of attempt to commit murder. The offence is serious having severe punishment like capital as well till remainder of life of accused. In case, the accused is granted bail, the possibility of occurrence of another incident as well as unwarranted incident along with influencing the witnesses cannot be ruled out. The accused and the informant along with witnesses are having group rivalry against each other and thus, the occurrence of unwarranted incident cannot be ruled out. That apart, the presence of accused has been secured through the CCTV footage. The accused was present along with co-accused and that material is prima facie against the accused.

Therefore, the contentions raised by the accused are not acceptable and those can be tested during the trial. Therefore, in my considered view, this is not a fit case for grant of bail. Thus, following order :-

<u>ORDER</u>	
	The application stands rejected.

Date :- 30.06.2026.

(A.M. Shete)
Additional Sessions Judge,
Satara