

ORDER BELOW EXH.144

(State of Maharashtra Vs Dnyaneshwar @ Janya Khobragade & others)

1] The present application has been filed by the Senior P.I. Dahegaon (Gosavi) Police Station, Dist. Wardha for seeking the cancellation of bail granted to the accused no.7 Sandesh @ Badal Shende in the matter. As per the application, on 25-2-2025 this accused had been granted bail in terms of the order below Exh.51. Therein a condition about he not indulging in any criminal activity until the disposal of the trial had been imposed. This condition, as per the Senior P.I. Dahegaon (Gosavi) Police Station, has been violated because two FIR's i.e. one bearing no.429/2025 registered by Police Station, Ramnagar for the offences punishable under sections 296 and 351(2) r/w section 3(5) of the Bharatiya Nyaya Sanhita (hereinafter referred to as "the B.N.S."). and another FIR dtd.8-1-2026 for the offences punishable under sections 103 and 296 of the BNS vide crime no.22/2026 registered by the Wardha (City) Police Station are pending against him. Hence, as per the application, the accused has contravened the bail conditions previously imposed upon him. Further, as per the application, the accused no.7 Sandesh @ Badal Shende is a habitual offender with a history of repeated involvement in criminal cases. He was also externed from Wardha district by order no.4/2025 dtd.18-8-2025 for a period of two years in spite of which he committed the aforesaid crimes. Hence, stating that the present matter is based on ocular and circumstantial evidence, that the criminal nature of the accused has given rise to a grave apprehension that he will threaten, intimidate the prosecution witnesses if he is allowed to remain on bail,

that the witnesses may not be able to depose fearlessly, which will obstruct the course of justice, the applicant is seeking the cancellation of the bail granted to the said accused.

2] The Advocate for the accused no.7 has filed his reply (Exh.151). In terms of the same, it has been denied that the said accused had committed the offences as alleged in the application seeking cancellation of his bail. Thereafter, it has been stated that the accused no.7 Sandesh @ Badal Shende had been called to the Wardha (City) Police Station after one Avesh Khan had lodged a report, whereupon the said Avesh Khan had been asked by the police as to whether the said accused had telephoned him. To this, Avesh Khan had answered in the negative. Regarding this incident, the accused no.7 has further stated that he can also produce the affidavit of Avesh Khan in support of his contention. Denying that the accused no.7 has any murderous tendency, that he has been charged with the offence punishable under section 103 of the BNS in crime no.22/2026, the Advocate for the said accused has denied the allegations made against his client.

3] With regard to the FIR lodged by one Rani Manoj Jaiswal, the Advocate for the accused no.7 has stated that the said lady is involved in the business of illicit liquor within the jurisdiction of the Ramnagar Police Station since long and also faces many criminal cases in different courts at Wardha. The alleged incident pertaining to the FIR lodged by the said lady, as per the reply (Exh.151), had never occurred. On the other hand, it has been stated that the lady in question had visited the house of the uncle of the accused no.7 and

poured petrol on his cousin Anshuman Shende on 16-6-2025. This had therefore, resulted in the aunt of this accused – Kiran Nitin Shende, lodging a report against Rani Manoj Jaiswal with the Ramnagar Police Station resulting in crime no.430/2025 being registered against her. Hence, it has been stated that Rani Manoj Jaiswal had therefore, lodged a false case against the accused no.7 Sandesh @ Badal Shende and his cousin. A list of the criminal matters pending against Rani Manoj Jaiswal has also been filed on the record.

4] Heard Shri Takwale PP for the State and Shri S.P. Choube Advocate for the accused no.7 Sandesh @ Badal Shende. The record will show that the accused in question had initially come to be released on bail vide order dtd.6-1-2024 in bail application no.581/2023. He however, remained absent resulting in an NBW being issued against him. He then came to be arrested on the execution of the said NBW on 18-2-2025. Thereafter, he came to be released on bail in spite of the opposition by the PP, the Investigating officer and the informant, though they contended that he had committed the breach of the conditions of the earlier bail order dtd.6-1-2024 which had directed that he should not indulge in any criminal activity. Be that as it may, the record will further show that as per the ld. PP, two crimes have thereafter come to be registered against the accused no.7 Sandesh @ Badal Shende i.e. one by the Ramnagar Police Station in the year 2025, with the other having been registered by the Wardha (City) Police Station in January 2026. The said FIR's as placed on the record will show that the allegations against the present accused were regarding he having used obscene language on the telephone to one Avesh Khan. Both the offences as registered under sections 302 and 296 of the BNS

are bailable in nature. The ld. PP has in the application under consideration, mistakenly stated that the said crime had been registered against the accused no.7 Sandesh @ Badal Shende for having committed the murder of somebody. With regard to crime no.429/2025 registered by the Ramnagar Police Station, it will be seen that the report had been lodged by one Rani Manoj Jaiswal against this accused and one Anshuman Shende. The said FIR will prima facie show that Anshuman Shende had abused the said lady on the phone and that when she had gone to his home to complain, the present accused no.7 had threatened to assault her after abusing her in obscene words.

5] It is therefore clear that, the two FIR's on the basis on which the prosecution is seeking the cancellation of bail of the accused no.7, pertain to minor offences only. The fact of the informant in the FIR registered by the Ramnagar Police Station facing various criminal cases under the Prohibition Act will further, raise a doubt the reliability of her allegations in the FIR lodged by her. Even if the allegations made therein are taken as they are, neither of the two FIR's registered against the accused no.7, can be said to be regarding matters sufficient to shock the conscience of any court. Generally speaking, the grounds for cancellation of bail broadly are – interference or attempt to interfere with the due course of administration of justice, or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner.

6] In the facts of the present case, it is not possible for me to hold that the accused no.7 Sandesh @ Badal Shende had contravened

the conditions imposed upon him by my Id. Predecessor regarding he not indulging in any criminal activity until the disposal of the trial, to the extent that it should result in the cancellation of his bail. This is because, though the FIR's in question have certainly been registered against the accused in question, he is not the primary offender in both the matters. They also do not reflect the commission of serious offences by the said accused. Another fact which will have to be appreciated is that, though the Senior P.I. of the Dahegaon (Gosavi) Police Station has contended that the accused no.7 will threaten and intimidate the prosecution witnesses, there is not a single complaint available on the record to show that this accused had indeed done so. It is therefore, apparent that there is no material on the record to prove that the accused no.7 had tried to tamper with the prosecution witnesses, even though till date, the evidence of nine such witnesses has been recorded. The said contention therefore, does not have any merit.

7] No offence of murder as alleged, has been registered against the accused after his release on bail in this matter. Further every minor infraction of the law by this accused, though technically speaking, will be considered to be criminal activity, the cancellation of bail in a case of murder on account of FIR's being registered against the accused for bailable offences in which he played a secondary role, will in my opinion, result in injustice rather than the protection of the interests of the prosecution. This is because, he has not been shown to have indulged in any acts to prolong the trial or to evade the course of justice. In the result, I proceed to pass the following order.

ORDER

The application filed by the Senior PI. Dahegaon (Gosavi) Police Station, Dist. Wardha for the cancellation of bail of the accused no.7 Sandesh @ Badal Shende in crime no.143/2023 registered by Police Station, Dahegaon (Gosavi) for the offences punishable under sections 302, 120(b), 450 r/w sec.34 of Indian Penal Code stands rejected.

Date : 16.05.2026

(Ms. S.J. Ansari)
Addl. Sessions Judge, Wardha.

Certificate

“I affirm that the contents of the P.D.F. File order are same word for word as per original order.

S.V. Dakhane,
Stenographer G-1