

Special case No.8/2024
State ..Vs.. Rahul Chintalwar + 7
(CNR No.MHYA010001012024)

ORDER BELOW EXH. 62

1. This is an application for bail under Section 439 of the Criminal Procedure Code.
2. Heard the learned counsel for the applicant / accused No.5 and the learned A.P.P for the State. Perused the record.
3. It is submitted by the learned counsel for the applicant / accused No.5 that the applicant is not named in the report. Three juveniles are declared by the police to be responsible for the act. No test identification parade was conducted. Identical role is played by the applicant and the persons, who are released on bail. There was no gang, as no other offence is registered, involving the applicant and the other co-accused. The memorandum panchanama was prepared after three months, by mentioning that it was prepared at the spot, from where the knife was allegedly seized.
4. *Per contra*, it is submitted by the learned APP that there are three criminal antecedents against the applicant, including murder. The applicant was seen with co-accused Shinu on the day of the incident, as per witness Pramod Meshram. A knife was recovered at the instance of the applicant. Hence, there is no parity

between the applicant and the co-accused. The applicant committed similar offence, upon being released on bail. The conditions u/s 21 of the MCOCA are not satisfied.

5. As per the FIR, the deceased was done to death, by assaulting him with weapons.

6. Considering the submissions that the applicant deserves parity, the applicant relied upon the bail orders relating to accused Nayan Saudagar and Shaikh Rahim. The perusal thereof shows that it was considered by this court that no specific role was attributed to him. Insofar as the applicant is concerned, a specific role of assault is attributed to him, due to which, there is no question of parity between him and the co-accused.

7. Witness Pramod Meshram appears to have stated that the applicant was found with co-accused Shinu, who was allegedly the group leader, on the next day of incident. Apart from the same, a knife is said to have been recovered at the instance of the applicant, as per his disclosure statement, though the place of memorandum mentioned therein is the spot, from where the weapon was recovered. The contents of the seizure panchanama in pursuance thereof shows that the applicant led the police to the particular spot, from where the alleged recovery was made. The factum of mentioning of the spot of seizure panchanama in the memorandum panchanama will have to be looked into, while considering the case on its merits.

8. Considering the *prima facie* role of the applicant and also considering the criminal antecedents against him, he does not deserve to be enlarged on bail, as he likely to silence the witnesses and also, is likely to commit similar offences. Thus, I proceed to pass the following order.

ORDER

The application is hereby rejected.

Date: 20/08/2025
Place: Yavatmal.

(S.U. Baghele)
Special Judge, Yavatmal.