

Special Case No. 108/2024.
State V/s. Yash Subhedar & Ors.
(CNR No.MHYA010023672024)

-: ORDER BELOW EXH.20. :-
(Delivered on this 18th Day of July 2025)

This is an application for regular bail moved by the accused No.4.

2. Heard Mr. S.M. Ali, the learned counsel for the applicant and Mr. V.S. Telang, the learned APP for the prosecution.

3. It is submitted by the learned counsel for the accused No.4 that bail is the rule and jail is an exception. No other charge sheet came to be filed against the accused No.4, with the other co-accused. There is no allegation of robbery against the accused No.4. He has been behind the bars for more than one year. Only section 324 of the IPC can be attracted, in the place of section 307 of the IPC. Section 397 of the IPC can be tried summarily. No injury was caused on the vital part of body. No stab injury was caused by the accused No.4, nor the amount was snatched by him. No amount of robbery was seized from him. He relied upon the following authorities :

1) ***Order dated 13th February, 2023, passed in Criminal Appeal No. 786 of 2022, Akshay Atmaram Rathod ..Vs.. The State of Maharashtra, by the Hon'ble Bombay High Court,*** wherein it was observed that the rider contained in section 21(5) of the MCOC Act would come into play, if subsequently the accused commits a similar offence.

2) ***Avinash Ajay Benewal ..Vs.. The State of Maharashtra, 2025(2) Bom.C.R.(Cri.) 394***, wherein the accused was enlarged on bail, as he had gained the confidence of the Court that he would make a sincere attempt to reform and rehabilitate himself.

4. It is submitted by the learned APP that the accused No.4 was involved in the incident, as a member of a gang. There are 15 criminal antecedents against him.

5. As per the FIR, the accused No.4 and others committed robbery at 00.00 hours in the night and stabbed the informant with a knife. The photographs of some boys are said to have been shown to the informant by some persons, upon which the informant is said to have identified them to be the same persons, including the accused No.4. The accused persons are alleged to have committed the offence of organized crime. There are said to be 15 more antecedents against the accused No.4.

6. The manner, in which the crime was allegedly given effect to, reveals the gravity thereof. The accused persons are said to have formed a gang, for the purpose of monetary gains.

7. Considering the overall circumstances, there is no reason to believe that the accused No.4 is not guilty of commission of an organized crime, nor there is any reason to believe that he is not likely to engage in the repetition of crime.

8. Considering the overall circumstances and the gravity of the crime, the accused No.4 does not deserve to be enlarged on bail on the grounds, as put forth. Thus, I proceed to pass the following order.

ORDER

The application is hereby rejected

Date : 18/07/2025.

(S. U. Baghele)
Additional Sessions Judge,
Yavatmal.