



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 385 OF 2025

Ganesh @ Tingya S/o Mhasudev Pote,
Age : 32 years, Occupation : Driver,
R/o. Sarasnagar,
Taluka and District Ahmednagar.

... Applicant
[Orig. Accused]

Versus

The State of Maharashtra
Through Police Station Officer
Tophkhana Police Station, Ahmednagar,
Taluka and District Ahmednagar.

... Respondent

WITH
CRIMINAL APPLICATION NO. 1496 OF 2025
IN
BAIL APPLICATION NO. 385 OF 2025

Sarvar s/o Aslam Shaikh,
Age : 33 Years, Occupation : Business
Budhan Near Faujdar Masjid,
Suhedar Lane, Ahmednagar.

... Applicant

Versus

1. Ganesh @ Tingya Mhasudev Pote,
Age : 32 Years, Occupation : Driver,
Sarasnagar, Taluka and District Ahmednagar.

2. The State of Maharashtra
Through Police Inspector,
Tophkhana Police Station,
District Ahilyanagar.

... Respondent

.....

Mr. Sudheer R. Zambare, Advocate for the Applicant in Bail
Application No. 385 of 2025.

Mr. V. M. Chate, APP for Respondent-State in both applications.

Mr. S N. Suryawanshi, Advocate for the Applicant in Criminal
Application No. 1496 of 2025.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 02.05.2025

Pronounced on : 05.05.2025

ORDER :

1. Criminal Application No. 1496 of 2025 is at the instance of original informant, thereby seeking permission to assist learned APP in opposing the Bail Application. For the reasons mentioned in the application, the applicant-original informant is permitted to assist learned APP. Criminal Application No. 1496 of 2025 is accordingly disposed off.

2. Bail Application No. 385 of 2025 is for grant of regular bail on account of arrest of applicant in crime no. 0541 of 2024 registered at Topkhana Police Station, District Ahilyanagar (Ahmednagar) for offences punishable under Sections 307, 324, 336, 143, 147, 148, 149 r/w 34 of IPC, Sections 3/25 and 4/25 of the Arms Act, 37(1), 37(3) and 135 of the Maharashtra Police Act.

3. It is submitted that applicant is arrested in above crime on 26.05.2024. He is behind bars since almost a year. Applicant is not main accused. That, in fact main accused, namely, Danish, is granted bail by this Court by order dated 25.03.2025. Injuries suffered by injured are simple in nature. He submitted that though there are

criminal antecedents, in some cases, he is granted bail and that, law is fairly settled that mere registration of other crimes is no good ground to refuse bail. On this point, learned counsel seeks reliance on the judgment of this Court at Nagpur in Bail Application No. 404 of 2023 i.e. ***Samadhan Bhagwan More and others v. State of Maharashtra*** [AIR Online 2023 BOM 1566]. Learned counsel submits that applicant is ready to abide all conditions imposed by this Court, and finally he urges for grant of bail.

4. Lenard APP as well as learned counsel for informant have strongly opposed on the ground that applicant is a history sheeter. That, there is use of chopper. Crimes of various nature like, under Sections 394, 399, 304 IPC, are committed by and registered against him. Learned counsel for informant pointed out that there is a video wherein present applicant, while attempting to create terror, has also shown disregard to the law and order by stating that “now jail, next day bail”. He further pointed out that, while on bail, repeated crimes are committed by violating conditions of bail. Learned counsel for informant pointed out that, at the time of grant of bail to other accused namely Danish, informant was not equipped with above incriminating material against said accused and therefore the same was not placed on record. However he added that, though at that

time there was no material brought to the notice of this Court, now there is material which dis-entitles present applicant from seeking bail.

5. Heard. Perused the report dated 28.04.2024 at the instance of Sarvar Aslam Shaikh. Informant, while undergoing treatment, has reported that on 25.04.2024 on account of soliciting passengers, there was quarrel with co-accused Danish and Sahil. On 27.04.2024 when informant and Sadiq Shakih were sitting on a bench, and after getting phone call when he got up to attend it, it is alleged that Danish came armed with axe and gave blow on his neck, after which Sahil also inflicted axe blow but he warded it off. He further reported that when he was running, at that time, Ufer @ Lala used chopper and gave blow on his back whereas Ganesh Pote, i.e. present applicant, inflicted blows by chopper on his waist.

6. Thus, role of present applicant is crystallized for using chopper on the waist. No doubt, this Court had granted bail to Danish while dealing with Bail Application No. 164 of 2025, but as pointed out, in said application, informant had not appeared to oppose. Learned counsel for informant today made a statement across the bar that there was no material at that point of time regarding antecedents for opposing, but now such material has been laid hands on to oppose

bail. He is also equipped with video which, according to him, contains declarations made by present applicant about “now jail, next day bail”, and such utterance is allegedly made while terrorizing people. He is ready to place the same on record and further stated that, there is panchanama of the same in the charge sheet.

7. At the time of grant of bail to applicant in Bail Application No. 164 of 2025, attention of this Court was not invited to such material and therefore, this Court had no opportunity to appreciate the complete material against that applicant. However, today, when above material is placed on record, the same cannot be overlooked.

8. Thus, role of applicant, as stated, is well defined. He has used deadly weapon like chopper. Merely because co-accused has been granted bail, today, taking above material into consideration, this Court is not inclined to grant bail. Hence, I proceed to pass the following order:

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]