

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2036 OF 2019

Rohit Pradip Devale

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam i/by Vivek N. Arote for applicant.

Smt.Geeta P. Mulekar, APP, for State.

Mr.T.S.Bhogam, API and IO, Wakad Police Station, Pune present.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th December 2019

PC :

1. This is an application for bail in CR No.1149 of 2018 registered with Wakad Police Station, Pune for offences under Sections 395, 397, 307 r/w 34 of Indian Penal Code and under Section 3(25) of Arms Act and under Section 37(1) r/w 135 of Maharashtra Police Act. The applicant was arrested on 3rd December 2018. The FIR was lodged on 2nd December 2018.

2. It is alleged that on 1st December 2018 the complainant left his house to meet his friends. He parked his car on the service road in front of Hotel Kolhapuri to buy cigarette. When he was inside the car, three unknown persons entered into the car and one of them was sitting on front seat. He pointed pistol at him. The complainant managed to run away from the car. While he was running towards Hotel Kolhapuri, one of them fired at him from the pistol causing injury to his right thigh. The complainant shouted for help. He was taken to the hospital. During the course of investigation CCTV

footage was collected. On completing investigation charge sheet is filed.

3. Accused Abhilash Mohol who was amongst the three persons who accosted the complainant, has been granted bail on the ground that CCTV footage shows that he had taken the injured to the hospital. The applicant was allegedly the person who was sitting in another car. Admittedly the applicant did not fire nor participated in the incident. However, it is the case of prosecution that applicant was instrumental in conducting the recce and tracking the complainant through facebook account. He was interacting with the complainant on facebook account of which was opened in the name of a woman. Thus, according to the prosecution, the applicant was following the complainant.

4. The act of firing by pistol is attributed to another accused. Abhilash Mohol who was identified by the witnesses was granted bail. The applicant is in custody from 3rd December 2018. Considering the role ascribed to him and the fact that he is in custody for more than one year, further detention of the applicant is not called for. It is not disputed that the applicant is not having any criminal antecedents against him. Considering the aforesaid circumstances on certain terms and conditions the applicant can be granted bail. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2036 of 2019 is allowed and disposed of;

- (ii) The applicant is directed to be released on bail in connection with CR No.1149 of 2018 registered with Wakad Police Station, Pune, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Wakad Police Station once in a week on every Saturday between 10 am and 12 noon for a period of three months, and thereafter once in a month on every first Saturday between 10 am and 12 noon till conclusion of trial;
- (iv) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly, unless exempted by Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST