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Chavan

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 92 OF 2020

Prashant Vijay Dhotre .. Applicant
V/s.

The State of Maharashtra ..Respondent

Mr. Ritesh Thobde for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

**DATE : 19th October, 2020
(Through Video Conference)**

P.C.

1. The Applicant (accused No.3) along with co-accused is facing prosecution for the offence punishable under Section 120B, 115, 212, 201 of I.P.C. read with Section 3, 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. The prosecution's case as disclosed from the complaint lodged by police constable Kalyanrao Sherikar and the investigation papers, shows that on a prior information, a raid was conducted at the house of the accused No.4 Naresh Ghorpade at Krushna Park Colony, Block No. 27, Bapu Niwas, where the Applicant and others were

found to be in possession of certain fire arms along with live cartridges and other arms. It appears that initially the offence was registered under Section 399 of I.P.C., as according to the prosecution, the Applicant and co-accused had made preparation to commit dacoity. However, upon investigation the prosecution claims that it was a conspiracy and preparation to commit the murder of one Mr. Pradeep @ Bhayya Pawar. In such circumstances, when the chargesheet was filed the offence under Section 399 of I.P.C. was deleted and the prosecution is only under the aforesaid sections.

3. On hearing the learned Counsel for the Applicant and the learned APP and perusal of statement of Pradeep Pawar, I find that the allegations at the highest, are of preparation to commit the murder of Pradeep Pawar. Admittedly, at the time of filing of the chargesheet, the offence under Section 399 of I.P.C. is deleted.

4. The learned A.P.P. pointed out that there is a previous offence registered against the Applicant under Section 325 of I.P.C. and therefore, it was submitted that if in the event this Court is inclined to grant bail, appropriate conditions may be imposed, as according to the prosecution, there is enmity between two groups and the Applicant belongs to one of the rival groups.

5. The learned Counsel for the Applicant points out that accused No.4 at whose house the raid was conducted and arms were found, has been released on regular bail by the Sessions Court. The investigation is complete and the chargesheet is filed.

6. Considering the over all circumstances, the following order is passed:

ORDER

i) The Applicant be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall undertake to remain present before the learned Sessions Judge, during the course of trial.

iii) The Applicant shall not directly or indirectly tamper with the prosecution evidence/witnesses.

iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

v) Bail bonds to be furnished before the learned Sessions Judge.

vi) Criminal bail application is disposed of in the aforesaid terms.

C.V. BHADANG, J.