

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

BAIL APPLICATION NO. 2037 OF 2019

Sandip Pandit Sonawane	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Dheeraj Panchange for the Applicant.
Mrs. G.P. Mulekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 23rd JULY, 2021.

P. C. :-

. This is an Application under Section 439 of Cr.P.C. filed by the aforesaid Applicant who is facing trial in M.C.O.C. Case No.25/2017 for offences punishable under Sections 147, 148, 149, 307, 332, 333, 353, 395, 427, 504, 506 and 120(B) of the Indian Penal Code (IPC) and Section 37(1)(3) of Mumbai Police Act and Sections 4, 25 of Indian Arms Act and Sections 3(I)(II), 3(2) and 3(4) of Maharashtra Control of Organized Crime (MCOC) Act, 1999.

2. The said case arises from C.R.No.I-35/2017 registered with Kulgaon Police Station pursuant to the first information report lodged by one Ashok Shankar Kavde. The case of the prosecution is that on

24/06/2017, the Applicant along with the other co-accused formed an unlawful assembly with common object of causing hurt to Sambaji Pardhi and his family members. It is alleged that in prosecution of the common object, the Applicant and the other co-accused, who were armed with deadly weapons, assaulted Dilip Gosavi, Sanjay Narayan Gore, Laxman and others and caused serious injuries. Initially crime was registered under the provisions of IPC. Subsequently, provisions of MCOC Act were added for conspiring, attempting, abetting, facilitating and committing the organized crime.

3. The statement of Dipali Deepak Pardhi *prima facie* reveals that the Applicant herein was armed with the wooden danda. She claims that the Applicant had inflicted a blow of danda on the hand of her mother-in-law – Laxmi Pardhi. The statement of Laxmi Kisan Pardhi does not indicate that the Applicant herein had inflicted injuries on her either by danda or any other weapon. There is no *prima facie* material on record to indicate that the Applicant herein was armed with a deadly weapon and that he had caused any injuries on vital part of any of the injured persons. Though it is stated that one of the witnesses - Assistant Sub Inspector – Dilip Vitthal Gosavi had identified the Applicant in the Test Identification Parade conducted on 26/09/2017,

it is seen that the Applicant was arrested on 26/07/2017 and was lodged in the same police station wherein witness was attached as an ASI. The possibility of this witness seeing the Applicant at the police station prior to the Identification Parade cannot *prima facie* be ruled out.

4. As far as the provisions of MCOC are concerned, learned APP concedes that there are no criminal antecedents and that except the present crime, no other crime has been registered against the Applicant. *Prima facie*, there is no material on record to indicate that the Applicant is a member of any crime syndicate. The Applicant is in custody since 26/07/2017. It is stated that the charge is not yet framed. Considering the period of detention and also considering the nature of allegations levelled against him, in my considered view, this is a fit case for grant of bail.

5. Hence, the Bail Application is allowed on following terms and conditions :-

(a) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount to the satisfaction of the Trial Court ;

(b) The Applicant shall not enter the jurisdiction of Kulgaon Police Station at Badlapur and shall not interfere with the first informant and/or the witnesses in any manner ;

(c) The Applicant shall attend each and every date of hearing and shall keep the Trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time ;

6. The Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2021.07.26
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(SMT. ANUJA PRABHUDESSAI, J.)