

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1590 OF 2022

Dipak Ambadas Pokale

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....

Mr. A.N. Barhate Patil, Advocate for applicant

Mr. A.V. Deshmukh, A.P.P. for respondent – State

.....

CORAM : R. G. AVACHAT, J.

DATE : 7th OCTOBER, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.I-132/2017, registered at Rahata Police Station, District Ahmednagar for the offences punishable under Sections 397, 392 read with Section 34 of the Indian Penal Code, Sections 3/25, 4/25 of the Arms Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. The learned A.P.P. has strong objection to grant the applicant bail. The applicant and 3 co-accused together entered the hotel and asked for meals. When the informant first asked for payment of parcel meal, the applicant and co-

accused created scene. The applicant allegedly opened fire in air. The co-accused robbed the informant of a sum of Rs.3000/-. The entire incident has been captured in CCTV footage. The applicant and co-accused have also been named in the F.I.R. The learned A.P.P. is, therefore, right to contend that there is strong material to indicate the involvement of the applicant in the offence in question. According to him, the applicant has 14 criminal antecedents. The co-accused who have been granted bail had none. He, therefore, urged for rejection of the bail application.

3. The applicant opened fire in air. He has not assaulted the informant or anyone else in the hotel. The co-accused who have equally participated in the offence in question have been released on bail. The applicant has been in jail for little over five years. It is informed that, as against the cited 49 witnesses, the prosecution has examined four witnesses. The same will necessarily take time for conclusion of the trial. So as to avoid the applicant to involve in similar type of offences, the Court proposes to direct the applicant to mark his presence at the concerned police station twice a day. On account of his long incarceration in jail i.e. for little over five years, and the fact that the co-accused has been granted bail, the Court is inclined to grant the applicant

bail. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.I-132/2017, registered at Rahata Police Station, District Ahmednagar for the offences punishable under Sections 397, 392 read with Section 34 of the Indian Penal Code, Sections 3/25, 4/25 of the Arms Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.
- (iii) The applicant shall mark his attendance at Rahata Police Station, District Ahmednagar twice everyday i.e. between 8.00 a.m. and 9.00 a.m., and 10.00 p.m. 11.00 p.m. until conclusion of the trial.
- (iv) The applicant shall not tamper with the prosecution evidence.

(R. G. AVACHAT, J.)

fmp/-