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

**BAIL APPLICATION NO. 292 OF 2021**

Sachin @ Bajya Rajendra Kale

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr.Rupesh A. Zade for the Applicant.

Mrs.Anamika Malhotra, APP for the Respondent -State.

.....

**CORAM : V.G.BISHT, J.**

**RESERVED ON : 14TH DECEMBER, 2021**

**PRONOUNCED ON : 20TH JANUARY, 2022**

**PC:-**

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 506 of 2018 registered with Baramati Taluka Police Station, Pune Rural for the offence punishable under Section 395 read with 34 of the Indian Penal Code (the IPC) and Sections 3 (1) (ii) and 3 (4) of the Maharashtra Control of Organized Crime Act, 1999.

2. On 25<sup>th</sup> September, 2018, while informant and his friend Deepak Dharme were returning from village Tandulwadi after having collected Rs. 2,200/- from informant's friend, namely, Shilpak Bagal, they were intercepted by five persons at about 7.30

pm on airport road which is 3 kilometers away from Tandulwadi. One of them, then addressed Deepak Dharme as to why he gave information about them to police and then gave a blow of an iron road on his left hand. All of them made him fell down and beat by means of fists and kick blows. When informant intervened, one of them started beating him by means of a wooden log and forcibly removed Rs. 2,200/- from his pant pocket along with an Aadhar Card. Similarly, Rs. 300/- and Aadhar Card of Deepak Dharme were also removed from his pocket. They also took away the motorcycle belonging to informant. Later on, when informant enquired with Deepak Dharme as to who were those persons, he revealed their names viz. Dhanya Kamble, Bajya Kale (applicant), Rohit, Akshay Shinde @ King and one unknown person. Informant accordingly lodged the First Information Report.

3. Mr.Zade, learned Counsel for the applicant, submits that co-accused, namely, Tejas Balasaheb Bacchav is already released on bail by the learned trial Court. According to prosecution, there are criminal antecedents. Since, no specific role is assigned to applicant and the fact that investigation is completed, no purpose would be served by keeping the applicant behind the bars.

4. Mrs.Malhotra, learned APP, on the other hand, opposes the submissions by contending that there is direct evidence of involvement of applicant. Learned APP invited my attention to the statement of victim, namely, Deepak Dharme. Learned APP also invited my attention to the affidavit in reply filed by Sub Divisional Police Officer, Baramati, Pune Rural and would point out various criminal antecedents of applicant. Having regard to the material on record, the applicant does not deserve to be enlarged on bail, argued learned APP.

5. Perused investigation papers. A bare reading of the FIR would show that informant's friend, namely, Deepak Dharme was knowing atleast four accused of which one is applicant. There is statement of said Deepak Dharme which clearly shows that the present applicant was one of the assailant and at the relevant time was armed with a wooden log. Even the informant was assaulted by wooden log by applicant. Similar are the statements of Vishal Bhimrao Ghadge, Suraj Bhagwan Sol and Yogesh Vilas Chirane. Thus, there is *prima facie* involvement of applicant in the alleged offence.

6. I have also carefully gone through the affidavit in reply of Sub Divisional Police Officer, Baramati, Pune Rural. Paragraph Nos. 11 and 12 of the said reply clearly go to show various criminal antecedents against the applicant.

7. In view of above, there being sufficient material on record, the applicant has failed to make out a case for bail. Hence, the following order :

**ORDER**

**Bail Application is rejected.**

**(V.G.BISHT,J.)**