

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.830 OF 2022

Datta Kisan Shinde

Applicant

versus

The State of Maharashtra

Respondent

Mr.Induprakash Tripathi with Bhagyashri Gawar i/by C.K.Tripathi,
Advocate for applicant.

Mr.A.A.Palkar, APP, for State.

API Vinayak Deokar, Paud Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th October 2022

PC :

1. The applicant is arrested in C.R No.17 of 2020 registered with Paud Police Station, Pune for offences under Sections 307, 343, 147, 148, 149, 427, 120-B of IPC. Subsequently provisions of Section 3(1)(ii), 3(2), 3(4) and 4 of Maharashtra Control of Organized Crime Act were invoked. Applicant was arrested on 17th August 2020.

2. The case of prosecution is that on 18th January 2020 the first informant Mangesh Namdeo Palave, Balasaheb Laxman Shinde, Sagar Shantaram Kamble and Asif Munir Mulani left towards Katarkhadak. While returning they were obstructed by accused who came in vehicle. Akash Padalghare, Akshay Padalghare, Navnath Bhoite, Samir Shinde and three other persons got down from vehicle with sickle and came towards their car. Shrikant Padalghare brought tractor and stopped behind their car. Akash Padalghare gave blow of

MANISH
SURESH
THATTE

Digitally signed by
MANISH SURESH
THATTE
Date: 2022.10.20
09:43:05 +0530

sickle on face of Mangesh Palwe with intention to kill him. He suffered serious injury. The driver of the car managed to drive the car in speed and managed to escape. Mangesh Palwe was taken for treatment.

3. It is submitted that Mangesh Palwe and his associates were part of gang indulging in criminal activities. They have committed several offences. Brother of applicant Ravi Shinde, Akash Padalghare were associated with gang of Mangesh Palwe. Due to certain dispute, Mangesh Palwe and Akash Padalghare separated and formed their gangs. Brother of applicant Ravi Shinde joined Akash Padalghare. Ravi Shinde was murdered by Mangesh Palwe and his associates. Mangesh Palwe was arrested in C.R No.180 of 2018 registered with Paud Police Station for murdering Ravi Shinde. The said FIR was registered by applicant on 3rd June 2018. The complainant knows the applicant. However, the applicant is not named in the FIR. No other case is registered against the applicant. Statement of Mangesh Palwe was recorded on 30th January 2020. In this statement applicant has been named as participant in crime. The applicant was attributed role of causing damage to vehicle.

4. Learned APP submitted that involvement of applicant is apparent from the statement of Mangesh Palave. The applicant has been identified by first informant and other witness Asif Mulani. The informant has suffered injury on account of attack by accused.

5. From the material on record it is apparent that the applicant was not involved in any case in the past with the co-accused who is leader of gang. On the contrary, it is the case of applicant that case

of murder was registered against Mangesh Palave who had named the applicant in the statement as the person present at the scene of offence and used sickle for breaking window screen of the vehicle. There is no material on record indicating that applicant had acted as a member of the gang in the past and committed any other offence.

6. Considering the aforesaid circumstances, there will be no impediment in granting bail on account of restrictions u/s.21(4) of MCOC Act. The applicant is in custody for substantial period of time.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with C.R No.17 of 2020 registered with Paud Police Station, Pune, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for eight weeks;
- (iv) The applicant shall not tamper with evidence;
- (v) The applicant shall report Paud Police Station once a month on every first Saturday between 11 am and 1 pm till further orders.

(PRAKASH D. NAIK, J.)

MST