

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2097 OF 2022

DEEPAK UTTAM GONDKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Mohit Rajendra Malpani
APP for Respondent : Mr. S. P. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 11-01-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The injured alleged that the present applicant called him on the spot of the incident. However, there are no call details report showing that before the incident the applicant called the injured. Apart from this, the transcription of CCTV footage, dated 09.12.2021 shows that the applicant entered his home. On 10.12.2021 at 3.04 hours, police were going to the home of the applicant. It was also transpired that the applicant was in house from 09.12.2021 from 3.30 p.m. to 10.12.2021 till morning. On the basis of this evidence, it has been vehemently argued that the applicant was not present on the spot of the incident. He would argue that the applicant has been falsely implicated in the case. He never was the member of organized crime syndicate.

3. Perusal of the record reveals that the facts are as such as argued and pointed out by the learned counsel for the applicant. The material evidence of contact between the accused and the injured on telephone appears missing. This is the first crime against the applicant registered under the provisions of for Maharashtra Control of Organized Crimes Act. The applicant has a good case for bail. Hence, the order :-

- i) Application is allowed.
- ii) Applicant Deepak Uttam Gondkar be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.394 of 2021 registered with Shirdi Police Station, Shirdi, District Ahmednagar, for the offences punishable under Sections 307, 109, 120B, 201, 212 and 506 read with Section 34 of the Indian Penal Code and Sections 7/25, 3/25 and 27 of the Arms Act, Section 3(1)(ii), 3(2),3(4) of the Maharashtra Control of Organized Crimes Act, on the conditions that;
 - (a) He shall not tamper with the prosecution witnesses;
 - (b) He shall attend the police station on first Saturday of every month, between 12 noon and 2.00 p.m. until further orders for one year from the date of his release.

**(S. G. MEHARE)
JUDGE**