



PMB

7.BA.286-23.doc

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

BAIL APPLICATION NO.286 OF 2023

PRANIT @ RINKU RAJU DABHADE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Niranjan Bhavake a/w Adv. Pranit Namde a/w Adv. Ajit
Pawar i/b. Bhavake and Associate for the applicant.

Mr. P. H. Gaikwad, APP for the State.

API Raul, SDPO Off. Lonavala Pune Gramin.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 4, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 395, 387, 504, 506, 427 of the
Indian Penal Code (hereafter 'IPC' for short) and under
Sections 3(1)(ii), 3(4) of the Maharashtra Control of
Organised Crime Act, 1999 (hereafter 'MCOCA', for short)
registered on 17.09.2021 vide C.R. No.341 of 2021 with
Kamshet Police Station, District Pune.

3. The applicant is the accused no.5. The applicant was arrested on 02.12.2021.

4. The application is strenuously opposed by learned APP contending that the gang leader Dhanesh @ Chocolate Shinde and his gang members threatened builders and other businessman of the area and extorted money from them. The FIR came to be registered on 17.09.2021 by the informant. The informant is a builder. One of the member of the chocolate gang approached the informant and asked him to pay a sum of Rs.1,00,000/- as protection money. The informant refused. The gang leader (accused No.1) along with other accused which included the present applicant who is the accused No.5 came in red colour Maruti Breeza car. The applicant was armed with a koyta. Other accused were armed with sharp edged weapons and bamboo sticks. The accused damaged the Mitsubishi Lancer car belonging to the complainant. When the complainant tried to run away, he was assaulted on his legs by the accused No.1. The other accused including the applicant caught hold of his hands. The accused then damaged the

scooter which belongs to the complainant. Learned APP submitted that so much terror has been created by the members of the chocolate gang in the area that not only witnesses but even the general public is terrified by the activities of the said gang. Learned APP submitted that considering the manner in which the incident has taken place, the applicant should not be enlarged on bail. Learned APP submitted that even CDR details support the case of the prosecution that the applicant was present at the scene of offence.

5. A detailed affidavit has been filed by the respondent. From the affidavit it is seen that there are two offences registered against the present applicant. There is one C.R. No.112 of 2017 registered with Kamshet Police Station under Sections 115, 120-B, 153 of the IPC. The second C.R. is the present C.R. The present C.R. is the only offence in common with the gang leader. So far as the gang leader accused No.1 is concerned, there are five offences registered against him including the present offence. There is a commonality between the accused Nos.2 to 4 along

with the gang leader as they have committed the offence in common apart from the present offence.

6. Learned APP was at pains to put out that koyta has been recovered from the applicant. According to learned APP the confessional statement of the applicant indicates that the applicant was present at the scene and actively participated in the assault.

7. In my opinion, the applicant can be enlarged on bail by imposing stringent conditions. The offence against the applicant vide C.R. No.112 of 2017 is not common with the gang leader or other members and is an individual offence registered against the applicant. The present is the only offence which is in common with the gang leader. The applicant was arrested on 02.12.2021 and is now in custody for more than 22 months. The applicant is not the actual assailant but the role assigned is that he held the hand of the informant. In fact in the confessional statement it is stated by the applicant that he tried to save the informant from the assault by a co-accused and snatched the koyta from him who was about to assault the complainant. These

are of course matter for trial and I do not want to express any opinion in that regard. Suffice it to observe that the applicant is in custody for more than 22 months, the present being the only common offence, having regard to the role of the applicant, the applicant can be enlarged on bail by imposing stringent conditions. The trial is likely to take a long time to conclude. Learned counsel for the applicant on instructions submits that the applicant will reside at Ulhasnagar during the pendency of the trial. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Pranit @ Rinku Raju Dabhade in connection with C.R. No.341 of 2021 registered with Kamshet Police Station, District Pune shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.
- (c) Learned counsel for the applicant on instructions submits that the applicant will reside at Ulhasnagar during the pendency of the trial.

- (d) The applicant shall report to the Ulhasnagar Police Station once in a week every Sunday between 11.00 a.m. and 1.00 p.m.
- (e) The applicant shall furnish his contact number and residential address of Ulhasnagar to the trial Court and the Investigating Officer.
- (f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Pune District after being released on bail, till the trial concludes.
- (h) The applicant shall attend the trial regularly.
- (i) It is made clear that in case of any breach of condition on the part of the applicant it is always open for the prosecution to move this Court for seeking cancellation of bail.
- (j) The applicant to make himself available as and when the Investigating Officer wants him to report.

8. The application is disposed of.

9. The observations are prima facie for consideration of this bail application and shall not influence the trial Court.

(M. S. KARNIK, J.)