



Diksha Rane

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

BAIL APPLICATION NO.347/2023

PREM GANESH CHANDANE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vikas Shivarkar for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 20, 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 143, 144, 147, 148, 149, 307, 323, 504, 506 read with Section 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 37(1), 135 of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law (Amendment) Act, 2013, registered on 4/5/2022 vide C.R. No.98/2022 with Sahakar Nagar Police Station, Pune City.

3. So far as the present offence is concerned, the mother

of the complainant, in her statement dated 5/5/2022 discloses the incident dated 3/5/2022. Six accused assaulted her son Tushar and Pawan Shinde. The assault is by 'koyta' and fists and kicks blows. It is alleged that the victims were taken to the hospital. I perused the medical certificate. The injuries sustained by the victims are simple in nature.

4. The applicant being the accused no.5 was initially enlarged on pre-arrest bail. Thereafter, as the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short) was invoked, the applicant was arrested on 31/7/2022.

5. Learned APP invited my attention to the affidavit-in-reply filed on behalf of the respondents. It is submitted that against the gang-leader Anand @ Sonu Siddheshwar Dhade as many as nine cases are lodged of which four cases are under Section 307 of the IPC, one is under Section 394 of the IPC and other provisions of the IPC.

6. So far as the present applicant is concerned, the present offence is the only offence common with the gang-leader. There is another offence registered against the

applicant with Sahakar Nagar Police Station vide C.R.No.550/2019 under Sections 324, 323, 504 read with 34 of the IPC which the applicant has common with other member of the gang accused no.2-Nagesh Satish Shinde.

7. The major accusations so far as the present offence is concerned are against the gang-leader and the other accused against whom several offences are registered as per the chart that has been produced along with the affidavit. As regards the present applicant, a general role has been attributed to him of assaulting the victims but no specific overt act is attributed.

8. Considering the accusations against the applicant in the present offence coupled with the fact that there is only one offence earlier registered against him which is not common with the gang-leader and that too under Section 324 of the IPC, though learned APP opposed the application for bail, I am of the opinion that the applicant can be enlarged on bail as rigours of Section 21(4) of the MCOC Act can be overcome in the present case.

9. Furthermore, as I propose to impose stringent conditions on the applicant, having regard to the nature of

the accusations and as there is nothing on record to infer that the applicant is likely to commit offence while on bail, I am inclined to enlarge the applicant on bail.

10. The applicant is in custody for more than one year and one month with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Prem Ganesh Chandane in connection with C.R. No.98/2022 with Sahakar Nagar Police Station, Pune City, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more solvent sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Sahakar Nagar police station twice a month i.e. on 1st and 3rd Monday of every month between 11.00 am and 1.00 pm till the trial concludes.
- (d) 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.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not reside in the Corporation limits of Pune City after being released on bail, till further orders of the trial Court.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

11. The application is disposed of.

(M. S. KARNIK, J.)