

SA Pathan

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

BAIL APPLICATION NO.486 OF 2023

Gopi Sukhpal Ghalot	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Shubhangi Parulekar, for the Applicant.

Mr. Amit A Palkar, APP for State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 26, 2023

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, (for short 'Cr.P.C.') in connection with C.R. No.814 of 2021 registered with Pimpri police station, Pune for offences punishable under Sections 395, 397, 341, 504, 506 of the Indian Penal Code, 1960 (for short 'IPC') and under Section 3(1) (ii), 3(4) of Maharashtra Control of Organized Crimes Act, 1999 (for short 'MCOC Act').

2. According to prosecution, on 23 December 2021 at about 23:30 hours at River Road, Ambedkar Colony, Pimpri Pune, the informant one Sumeet Bohot and his friends Sayeed Khan and Raj Jadhav were proceeding triple seat on motorcycle for filling petrol in the motorcycle. At that time accused Vicky Saude obstructed the motorcycle. Thereupon the informant and his friends got down from motorcycle. The applicant/accused along with other accused

persons took the informant's friend Raj Jadhav in a lane by the side of the road. The informant and his friend Sayeed Khan followed them with intention to rescue Raj Jadhav. At that time an unknown person was trying to snatch gold chain from the neck of the informant. The informant tried to prevent said person from snatching the chain. Thereupon, accused Vicky Saude hit on the head of the informant by means of stone. Accused Amit Saude took the same stone and hit behind the ear and on backside of the head of the informant. Applicant/accused and co-accused assaulted the informant by fist and kick blows and abused and threatened him. The accused forcibly took away the gold chain from the neck of the complainant. The accused assaulted Raj Jadhav by cement block and kick and fist blows and forcibly took away his mobile handset. The injured informant and Raj Jadhav ran towards their friend Sayeed Khan. However, an unknown person was along with the accused assaulted Sayeed on face by fist blows, whereby Sayeed sustained injuries. Thereafter, all the accused fled away from the spot of incident by abusing and shouting loudly. Thereby they had created terror in said area. On 25 December, 2021, the informant approached the respondent police station after undergoing treatment and lodged report.

3. After completion of investigation, the investigating agency filed charge-sheet. The applicant/accused was arrested on 25 December 2021.

4. On perusal of the charge-sheet, it appears that the informant in the first information report (F.I.R.) had narrated the incident occurred on 23 December, 2021, attributing role of other co-

accused. The applicant was not named in the F.I.R. The supplementary statement of informant attributes joint role to the applicant along with other co-accused. Confession under Section 18 of MCOC Act of co-accused/Vicky Saude was recorded. The confessional statement of co-accused does not attributed active role to the applicant. There are no antecedents to discredit of the applicant/accused. *Prima facie* in the absence of active role attributed to the applicant, there is reasonable likelihood that the applicant may not be guilty of the alleged offence. In the absence of antecedent, it is unlikely that the applicant may commit offence under the in future. Of course, the culpability of the applicant needs to be adjudicated during trial and prosecution can lead evidence. Hence, following order is passed:

- a) The application is allowed.
- b) The applicant Gopi Sukhpal Ghalot be released on bail in connection with C.R. No.814 of 2021 registered with Pimpri police station, Pune for offences punishable under Sections 395, 397, 341, 504, 506 of IPC and under Section 3(1) (ii), 3(4) of MCOC Act, on furnishing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- c) The applicant shall mark his attendance with the concern police station once in a month between 11:00 am to 2:00 pm till conclusion of trial.
- d) The applicant shall remain present before the trial Court on each date unless specifically exempted by the Trial

Court.

- e) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court.
5. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)