



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

BAIL APPLICATION NO. 639 OF 2023

TUSHAR @ RAVAN SURESH POLEKAR	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Aniket Nikam i/b Mr. Amit Icham, for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 05, 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 307, 324, 427, 323, 504, 506(2), 385, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860, under section 25(4) of the Arms Act, under sections 37(1) read with 135 of the Maharashtra Police Act, under sections 3 and 7 of the Criminal Law Amendment Act and under sections 3(1)(ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short), registered on 21/12/2021 vide C.R. No.273 of 2021 with Kothrud police station, Pune.

3. There are in all 6 accused. The applicant is the accused no.4. The applicant was arrested on 21/12/2021 and is now in custody for more than 1 year and 11 months. The applicant is not a gang-leader. There are no criminal antecedents reported against the applicant except the present offence.

4. The prosecution case in brief is that on 20/12/2021 at about 8.00 p.m. at parking in 'C' building, Shravandhara Society, when the informant was chatting with his girlfriend on phone, he saw the accused assaulting his friend - Rahul Trimbak. When the informant intervened, the accused abused and quarreled with him and assaulted the informant with beer bottle. So far as the applicant is concerned, the accusation is that he assaulted the informant with fist and kick blows. The applicant is not named by the witnesses. The evidence against the applicant is the confessional statement recorded under section 18 of the MCOC which he retracted on the same day. The confessional statement of the co-accused Ganesh Raut does not attribute any role to the applicant. Except the present offence, there is no other offence registered against the applicant in common with the

gang-leader or with any other member of the gang. Prima facie, it does not appear that the applicant is a member of the organized crime syndicate. It is made clear that these are the prima facie observations. The trial Court to decide the matter on its own merits uninfluenced by these observations.

5. Considering the nature of the accusations and as there are no criminal antecedents reported against the applicant, also considering that the applicant is in custody for more than 1 year and 11 months with no possibility of trial concluding any time soon, despite the bail application is opposed by learned APP, the applicant can be enlarged on bail. Learned APP was at pains to point out the accusations against the applicant and his involvement in the organized crime syndicate by referring to the materials and affidavit-in-reply filed on behalf of the respondent as affirmed by Shri Bhimrao Savla Tele, Asst. Commissioner of Police, Kothrud Division, Pune City. The investigation is complete. The charge-sheet has been filed. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Tushar @ Ravan Suresh Polekar in connection with C.R. No.273 of 2021 registered with Kothrud police station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Kothrud police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)