

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

CRIMINAL BAIL APPLICATION NO. 818 OF 2022

Raj @ Rajesh Raosaheb Aadhav

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. Aniket Nikam i/b Mr. Amit Icham for the Applicant.

Mr. Y. Y. Dabke, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th SEPTEMBER 2023.

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P.C. :

1. By this application, applicant is seeking bail in C.R. No. 75 of 2019 registered with Dattawadi Police Station, Pune for offences punishable under Sections 302, 307, 324, 143, 147, 148, 149, 120-B and 201 of the Indian Penal Code, 1860 (for short "IPC") and under Sections 3(25), 4(25) of the Arms Act and under Sections 37(1)(3) r/w Section 135 and under Section 142 of Maharashtra Police Act, 1951 and Sections 3(1)(i)(ii), (3)(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short "MCOC").

2. It is prosecution's case that, on 13th January, 2019 at about 6:00 p.m. complainant and his friends namely Nilesh Wadkar, Amol Kadam, Ganesh Jadhav, Hrishikesh Chavan, Sujeet Badambe, were proceeding from Jay Bhavani Nagar via Yallamma Mandir to Kande Ali. On their way they came across Sunil Dokephode @ Chocolate Sunya, Navnath Valhekar, Yogesh Jambhale, Abhijeet Kadu, Avinash Devkule, Nitin Metkari, Sameer Natekat @ Kala Dadya, Akshay Ambawale, Shubham, Rakesh Shimpi, Sohali Shaikh, Saurabh Adhav, Raj Adhav, Pappu Gaikwad, Atish Mali. On account of previous enmity/rivalry between the two groups and as the complainant's group opposed the accused's group from collecting extortion money in that area, on that count the accused persons by entering into pre-planned criminal conspiracy, by firing from gun and also by assaulting with the means of sickle and by fists and blows caused the death of Nilesh Wadkar and attempted to cause the murder of Amol Kadam, Ganesh Jadhav, Sujit Badambe and fled away thereafter and, therefore, the complaint lodged the complainant with Dattawadi Police Station.

3. It is contention of learned counsel for the applicant that, the role attributed to the applicant in the first information is that, he

had beaten the deceased and first informant with fist and blows. Except these allegations there are no allegations against the applicant. Learned counsel further submits that, there is no antecedents of the applicant. There is no recovery at the instance of the applicant. Investigation is completed and charge sheet has been filed. Hence, requested to allow the application.

4. It is contention of learned APP that, accused was member of syndicate crime. There was rivalry between two gangs and out of that rivalry deceased was murdered by the gang of applicant. Applicant was present at the time of incident, he participated in assault on deceased, it shows his involvement in crime. If applicant is released on bail, he may threaten the prosecution witnesses .Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and Charge-sheet.

6. Allegations against the applicant are that, he beat the deceased and first informant with fist and blows. The statements of eye witness also shows same allegations against the applicant. The death of deceased is caused due to hemorrhage and shock due to multiple chop injuries. There is no recovery at the instance of

applicant, applicant has no antecedents. Applicant is behind bar for more than four years and eight months. Investigation is completed and charge sheet has been filed.

7. Considering the above facts, his further detention is not required.

8. In view of above, I pass following order.

ORDER

(i) Applicant be released on bail in Crime No. 75 of 2019 registered with Dattawadi Police Station, Pune, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.

(iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The application is allowed in the aforesaid terms and is accordingly disposed of

(SHIVKUMAR DIGE, J.)