

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.835 OF 2022

Shivraj Manoj Mirgal ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr.A. R. Avachat a/w Mr. S.H. Deshpande for the Applicant.
Ms. Veera Shinde, APP for the State.
PSI Ravindrakumar Warangule present

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CORAM : N.R. BORKAR, J.

DATED : 17 MARCH 2023

P.C. :-

1. This is an Application filed under Section 439 of Criminal Procedure Code, 1973 for bail.

2. The Applicant came to be arrested in Crime No.332 of 2021 registered with Yerwada Police Station, District Pune for the offence punishable under Sections 307, 395, 452, 504, 506, 427, 201, 188 of the Indian Penal Code, 1860, Section 4 r/w. 25 of the Arms Act, 1959, Sections 37(1)/135, 142 of the Maharashtra Police Act, 1951, Section 3 of the Epidemic Diseases Act, 1897, Section 51(B) of the Disaster Management Act, 2005, Section 11 of the Maharashtra Covid-19 Regulation Act, 2020, Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. I have heard the learned counsel for the Applicant and learned APP for the Respondent – State.

4. According to the prosecution, the present applicant is a member of organized crime syndicate formed by co-accused Prafulla alias Gudya Ganesh Kasbe. It is alleged that on the date of incident which took place on 1 July 2021, the present applicant and other co-accused assaulted the complainant by deadly weapon and attempted to kill him due to previous enmity. It is alleged that witnesses who were present at the place of incident were also assaulted to terrorize them and other people in the vicinity.

5. No overt act is attributed to the present applicant in the alleged crime. There are no other criminal antecedents. According to the prosecution, the present applicant is member of the organized crime syndicate formed by co-accused Prafulla Kasabe, however, prima-facie, there appears to be no material to that effect. The applicant is in jail for more than 1 ½ years. Considering the overall facts and circumstances, I am inclined to release the Applicant on bail. In the result, following order is passed;

ORDER

- (i) The Bail Application is allowed.
- (ii) The Applicant be released on bail in Crime No.332 of 2021 registered with Yerwada Police Station, District

Pune for the offence punishable under Sections 307, 395, 452, 504, 506, 427, 201, 188 of the Indian Penal Code, 1860, Section 4 r/w. of the Arms Act, 1959, Sections 37(1)/135, 142 of the Maharashtra Police Act, 1951, Section 3 of the Epidemic Diseases Act, 1897, Section 51(B) of the Disaster Management Act, 2005, Section 11 of the Maharashtra Covid-19 Regulation Act, 2020, Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (iii) The Applicant shall attend the concerned Police Station once in a month i.e. on the first Saturday between 11.00 am to 2.00 pm till conclusion of trial.

(N.R. BORKAR, J.)