



PMB

18-BA-821-23.odt

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

BAIL APPLICATION NO. 821 OF 2023

AKASH PRAKASH KALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Satyam Harshad Nimbalkar a/w Mr. Abhishek Ulhas
Arote for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 06, 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, 326, 336, 324, 452, 143,
147, 148, 149, 323, 504, 506 of the Indian Penal Code
(hereafter 'IPC' for short), under Sections 3, 25, 27, 4(25),
5(25) of Arms Act, under Section 135 of Maharashtra Police
Act and under Sections 3(1)(ii), 3(4) of the Maharashtra
Control of Organised Crime Act, 1999 (hereafter 'MCOC Act'
for short) registered vide C.R. No.210 of 2021 dated
22.08.2021 with Jejuri Police Station, Pune.

3. The applicant was arrested on 26.08.2021 along with sixteen accused. The applicant is the accused No.14. The date of the incident is 21.08.2021. It is alleged that the accused Nos.1 and 2 entered the house of the informant while the informant was watching television with his family. The accused were armed with a sword, sickle, hockey sticks and wooden sticks. The accused No.1 was carrying a sword and accused No.2 was carrying a sickle. The informant was assaulted. The accused Nos.1 and 2 left the house with the other accused as the crowd began to gather due to the massive chaos. It is the accusations that the applicant was present along with the other accused and has been identified. There is no recovery made from the present applicant. There is no overt act attributed to the applicant. Four co-accused i.e. Ganesh Dashrath Gade, Hitesh Suresh Mankar, Farooq Hamid Shaikh and Sagar Kaluram Waykar have been enlarged on bail. The role assigned to them is similar to that of the present applicant.

4. Learned APP while opposing the application for bail invited my attention to the affidavit-in-reply filed by Sub-

Divisional Police Officer, Daund Division, Daund, District Pune Rural. It is submitted that along with the gang leader the applicant is implicated as an accused in C.R. No.379 of 2019 for the offences punishable under Sections 394, 395, 397, 120-B, 504, 506 of the IPC. It is submitted that there is atleast one C.R. where the charge-sheet has been filed prior to the commission of the present offence along with the gang leader and therefore, the provisions of MCOC Act are squarely attracted in the present case.

5. It needs to be noted that while enlarging the applicant on bail in C.R. No.379 of 2019, the trial Court upon perusal of the charge-sheet observed that the FIR was registered against unknown persons and nobody from prosecution witnesses have either identified any of the accused nor they had referred the name of the present applicant in connection with the crime in question. It was further observed that the recovery of alleged stolen articles is made at the behest of co-accused who have been released on bail. It is in these facts, though there is a C.R. registered against the applicant along with the gang leader prior to the

registration of the present C.R., I am inclined to enlarge the applicant on bail. The trial is likely to take a long time to conclude. The investigation is complete and the charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Akash Prakash Kale in connection with C.R. No.210 of 2021 registered with Jejuri Police Station, Pune shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Jejuri Police Station, Pune 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 not leave the jurisdiction of Pune district without permission of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)