



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

BAIL APPLICATION NO. 1085 OF 2023

BALU @ BALA DHONDIBA DHEBE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Aniket Vagal a/w Kunal Pednekar a/w Divesh Mehani
for the Applicant.

Mr. N.B. Patil, APP for the State.

API Bharat M. Chandanshiv, Sinhgad Road Police Station,
Pune City.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 29, 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, 143, 144, 145, 148, 149,
427, 504 and 506 of the Indian Penal Code, Sections 3(25)
and 4(25) of the Arms Act, Section 37(1)(3) of the Bombay
Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the the
Maharashtra Control of Organised Crime Act, 1999, (for
short "MCOCA") registered vide C.R. No.358 of 2022 dated
20/08/2022 with Sinhgad Police Station, District Pune.

3. The alleged incident took place on 19/08/2022. The applicant was arrested on 20/08/2022. The co-accused namely Sunil Dharasingh Pawar, Sahil Baban Ughade, Rohan Datta Jadhav and Vaibhav Shivaji Sabale have been enlarged on bail by the trial Court. Against the present applicant, provisions of MCOCA were invoked. The applicant is accused No. 2 who is alleged to be a member of the gang of which the accused No. 1 is the gang leader.

4. So far as the present offence is concerned, it is alleged that the role assigned to the applicant is that he threw stones at the sound system. Accused No.1 was the main assailant who assaulted the injured witness. Accused No.1 is alleged to have fired at the complainant but the bullets missed the head of the complainant.

5. Learned APP opposed the application and filed an affidavit. I have gone through the affidavit.

6. Considering the role of the applicant so far as the present offence is concerned and that there are no criminal antecedents against him, in the facts and circumstances of the present case, as the applicant has been in custody for

almost 12 months, the applicant can be enlarged on bail. The investigation is complete. The charge-sheet has been filed. *Prima facie*, there is a possibility that the applicant has not committed the offence. As there are no criminal antecedents, the applicant is unlikely to commit any offence while on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Balu @ Bala Dhondiba Dhebe in connection with C.R. No. 358 of 2022 registered with Sinhagad Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of the Sinhagad police station once in a month every first Tuesday 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.

7. The application is disposed of.

(M. S. KARNIK, J.)