

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1504 OF 2022

Abhishek Narayan Khond @ Abhay Patil ...Applicant

V/s.

The State of Maharashtra ...Respondent

Ms. Shubhangi Parulekar, for the Applicant.

Ms. Veera Shinde APP for the Respondent/State.

PSI Ankush Dombare, Yerwada Police Station, Pune, present.

CORAM : N.R. BORKAR, J.

DATE : 01.02.2023.

P.C. :

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 1794 of 2020 registered at Yerwada Police Station, for the offences punishable under Sections 302, 143, 144, 147, 148, 149, 188, 269, 323 of the Indian Penal Code, Section 3 of the Prohibition of Contagion Disease Act, 1897, Section 11 of the Maharashtra Covid-19 Rules, 2020, Section 51(b) of the Disaster Management Act, 2005, Section 4 r/w. 25 of Arms Act, Section 37(1) r/w. 135 of the Maharashtra Police Act and Sections 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999.

3. According to the prosecution on 27/05/2020 the present applicant and other co-accused committed the murder of the deceased on account of previous enmity.

4. The learned Counsel for the applicant submits that no overt act is attributed to the present applicant. It is submitted that sessions Court has released some of the similarly circumstanced co-accused. It is submitted that applicant is in jail for more than 2 ½ years and there are no other criminal antecedents.

5. On the other hand the learned APP submits that the applicant was part of unlawful assembly which assaulted the deceased. It is submitted that the applicant is a member of organized crime syndicate. It is thus submitted that the applicant may not be released on bail.

6. It appears that sessions Court has released some of the co-accused. I have perused the statement of eye witnesses. They have not attributed any specific overt act to the applicant. There are no other criminal antecedents. Though according to the prosecution, the applicant is a member of organized crime syndicate, however, prima-facie, there appears to be no material to that effect. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) The application is allowed.

- (ii) The applicant be released on bail in Crime No. 1794 of 2020 registered at Yerwada Police Station, for the offences punishable under Sections 302, 143, 144, 147, 148, 149, 188, 269, 323 of the Indian Penal Code and Section 3 of the Prohibition of Contagion Disease Act, 1897, Section 11 of the Maharashtra Covid-19 Rules, 2020, Section 51(b) of the Disaster Management Act, 2005, Section 4 r/w. 25 of Arms Act, Section 37(1) r/w. 135 of the Maharashtra Police Act and Sections 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 on furnishing PR. 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 a.m. to 2.00 p.m. till conclusion of trial.

[N.R.BORKAR, J.]