

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1591 OF 2022

Shubhash Kesari Gaud

... Applicant

V/s.

State of Maharashtra

... Respondent

.....
Mr. Dilip H. Shukla, Advocate for Applicant.

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 12 OCTOBER, 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 411 of 2019 registered with Ambad Police Station, District Nashik, for the offences punishable under Sections 396, 397, 120-B, 201 of the Indian Penal Code (for short "IPC"), Sections 3 and 25 of the Arms Act and Sections 3(1)(i)(ii), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short "MCOCA").

2. It is the contention of learned Counsel for the Applicant that allegations against the Applicant are that Applicant had given shelter to co-accused Vishwajeet. This Court has released Vishwajeet on bail. Applicant is behind bar more than four years. There are no

antecedents against the Applicant. Hence, requested to allow the Application.

3. It is the contention of learned APP that Applicant had given shelter and food to co-accused Vishwajeet Singh and Akash Singh. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

4. I have heard both the learned Counsel. Perused the FIR and charge-sheet. The allegations against the Applicant are that he had given shelter to co-accused Vishwajeet and Akash. This Court has released co-accused Vishwajeet on bail. Applicant is behind bar more than four years. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial. Considering the above facts, further detention of Applicant is not required.

5. In view of the above, I pass following Order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 411 of 2019 registered with Ambad Police Station, Nashik, 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 Monday

between 11.00 a.m. to 3.00 p.m. till framing of charge.

- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The Application is allowed in the aforesaid terms and is accordingly disposed off.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE

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by SONALI
SATISH KILAJE
Date:
2023.10.13
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