

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

BAIL APPLICATION NO. 1749 OF 2022

1. Ravi @ Ravindra Bashir @ Basha Pawar
2. Iranya @ Iransaheb @ Kiran Aprisha @
Aparisha Bhosale ... Applicants
v/s.
The State of Maharashtra Respondent

Mr. Priyal Sarda for the Applicants.
Mr. S.V. Gavand, APP for the State.
Mr. Sagar Kunjir, API, Karmala Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th APRIL, 2023.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicants who are facing trial in Special Case No.3/2020 pending on the file of Special Judge, Barshi. The aforesaid case arises from C.R.No.59/2018 registered at Karmala Police Station, Solapur Rural for offences punishable under sections 392 r/w. 34 of the Indian Penal Code and sections 3(1)(ii), 3(2) and 3(4) of The Maharashtra Control of Organised Crime (MCOC) Act, 1999.

2. Heard learned counsel for the Applicants and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The first informant – Ashok Dattatray Kadam had lodged a report on 27/01/2018 stating that on the previous night i.e., on 26/01/2018, when he and his family members were proceeding towards Nimgaon by Swift Dezire Car, some persons pelted stones on the car and when they got down, four unknown persons assaulted them and took away gold ornaments and cash total worth Rs.1,10,000/-. The FIR was lodged against unknown persons. The only material against the Applicants is that some gold beads were recovered at their instance.

4. It is to be noted that no test identification parade was conducted and the identity of the Applicants was not established. Considering this aspect, this Court (Coram : V.G. Bisht, J.) had granted bail to the co-accused – Abhijit @ Abhijitya Aparisha Bhosale. The role attributed to the Applicants is similar to that of Abhijit. Hence, the Applicants are also entitled for bail on the ground of parity. Under the circumstances and in view of discussion supra, the Application is allowed on the following terms and conditions :-

- (i) The Applicant No.1 - Ravi @ Ravindra Bashir @ Basha Pawar and Applicant No.2 - Iranya @ Iransaheb @ Kiran Aprisha @ Aparisha Bhosale who are facing trial in Special

Case No.3/2020 pending on the file of Special Judge, Barshi arising out of C.R.No.59/2018 registered at Karmala Police Station, Solapur Rural, are ordered to be released on bail on furnishing PR. bonds in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount ;

- (ii) The Applicants shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the Complainant, witnesses or any person concerned with the case in any manner ;
- (iii) The Applicants shall keep the Trial Court informed of their current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (iv) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

5. Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

PREETI
H JAYANI

Digitally signed
by PREETI H
JAYANI
Date: 2023.04.15
17:48:51 +0530