

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2310 OF 2022

Om Ashokrao Mathpati

...Applicant

V/s.

State of Maharashtra

...Respondent.

Mrs. Shubhangi Parulekar for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 30.03.2023.

P.C. :

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

2. The applicant came to be arrested in Crime No.368 of 2020 registered at Bhosari Police Station, Pune for the offences punishable under Sections 302, 352, 326, 143, 144, 146, 147, 148 and 149 of the Indian Penal Code and Section 4 (25) of Arms Act, Section 37(1) read with 135 of the Bombay Police Act and Sections 3(1)(ii), 3(2), 3(4), 4 of the Maharashtra Control of Organized Crimes Act, 1999.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

4. According to the prosecution, on the date of incident, which took place on 8 August 2020, the present applicant and other co-accused formed an unlawful assembly and assaulted the deceased by koyta etc. on account of previous dispute and committed his murder. According to the prosecution, the present applicant is a

member of organised crime syndicate formed by co-accused Mangesh More and the said gang had committed the present crime.

5. I have perused the F.I.R., which is lodged by the eye-witness. However, he had not named the present applicant either as a assailant or that the applicant was part of alleged unlawful assembly. I have also perused the statements of witnesses recorded under Section 164 of Cr.P.C.. They have not attributed any overt-act to the present applicant in the alleged crime.

6. It appears that during the relevant period, the applicant was the student of final year of Engineering. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 368 of 2020 registered at Bhosari Police Station, Pune for the offences punishable under Sections 302, 352, 326, 143, 144, 146, 147, 148 and 149 of the Indian Penal Code and Section 4 (25) of Arms Act, Section 37(1) read with 135 of the Bombay Police Act and Sections 3(1)(ii), 3(2), 3(4), 4 of the Maharashtra Control of Organized Crimes Act, 1999 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees

Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]