

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

CRIMINAL BAIL APPLICATION NO. 2208 OF 2022

Prashant Ramesh Koli

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Niranjan Mundargi a/w Priyanka Gupta i/b Mr. Rupesh Zade for the Applicant.

Ms. P. N. Dabholkar, APP, for the Respondent-State.

Mr. Ramji T. Kotali for the Intervenor in IA/4599/2022

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 491 of 2020 registered with Nigdi Police Station, Dist – Pune, for the offence punishable under sections 307, 323, 504, 506 read with 34 of Indian Penal Code (for short “IPC”) and Sections 3(1)(i), 3(2), and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short “MCOC Act”).

2. It is prosecution's case that on 21st December, 2020 applicant and other two co-accused came in Car and fired at first informant and his brother from the pistol. They tried to kill, the first informant and his brother and Rafiq. It is alleged that the present applicant was a person who had fired from pistol at first informant and his brother and Rafiq.

3. It is contention of learned counsel for the applicant that applicant is entitled for bail on parity. As the co-accused Suraj Pawar, against whom same allegations have been levelled, is released on bail by the trial Court. Hence, requested to allow the application.

4. Learned counsel for the intervenor submitted that applicant is not entitled for parity as, at the instance of Suraj Pawar only pistol is recovered, whereas at the instance of applicant pistol along with two cartridges have been recovered. After releasing on bail co-accused Suraj Pawar has committed another offence. If applicant is released on bail, he may threaten the prosecution witnesses. Learned counsel further submits that there is conversation recorded between first informant and applicant after the incident, it

shows that applicant was threatening the first informant. Hence, requested to reject the application.

3. Learned APP submitted that applicant has antecedent and he is member of syndicate crime. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

4. I have heard all learned counsel. The role attributed to the co-accused Suraj Pawar and applicant is same. It is alleged that applicant and co-accused Suraj Pawar had fired from their pistol towards first informant and his brother and Rafiq. The co-accused Suraj Pawar is released on bail by trial Court and the said order has not been challenged. Applicant is entitled for bail on principle of parity.

5. In view of above, I pass following order.

ORDER

- (i) Applicant be enlarged on bail in C. R. No. 491 of 2020 registered with Nigdi Police Station, Dist –

Pune , 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 Saturday between 11:00 a.m. to 2:00 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 and/or influence the prosecution witnesses.
- (v) Applicant shall not enter in the area of Pimpri-Chinchwad and shall not contact first informant and witnesses, till the conclusion of the trial.
- (vi) The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this

order.

6. In view of disposal of the Criminal Bail Application nothing survive in Interim Application No.4599 of 2022, it is accordingly disposed of.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)