

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 2438 OF 2022**

Sonya @ Sanjay Harish Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Vikas Shivarkar for the Applicant.

Mr. Amit Palkar, APP for the State.

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**CORAM : N.R. BORKAR, J.**

**DATED : 8 MARCH 2023**

**P.C. :-**

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 429 of 2021 registered at Hadapsar Police Station, Pune City for the offences punishable under Sections 392, 341, 506 r/w 34 of the Indian Penal Code, Sections 4 r/w 25 of the Arms Act, Section 37(1) r/w 135 of Maharashtra Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act (MCOC Act).

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

4. The allegations against the present applicant and other co-accused

are of robbery. According to the prosecution, on 4 June 2021, in the night at about 12.05 a.m., they had robbed the complainant and took away mobile phone and cash of Rs. 1200. During the course of investigation, the crime in question was found to be committed by the organised crime syndicate formed by co-accused Purushottam Vir.

5. The learned counsel for the applicant submits that there is no material to show that the applicant is a member of alleged organised crime syndicate formed by co-accused Purushottam Vir and therefore, the prosecution ought not to have filed charge-sheet against the applicant for the offences under the MCOC Act. It is submitted that the applicant is in jail for about two years and trial is not likely to conclude in near future.

6. On the other hand, the learned APP submits that there is a recovery of incriminating articles at the instance of present applicant. It is submitted that the complainant has identified the applicant in test identification parade. It is submitted that there is confessional statement of the applicant. The learned APP submits that the applicant is involved in eight more crimes. It is submitted that considering the overall facts and circumstances, the applicant may not be released on bail.

7. Considering the incriminating material on record against the applicant and as he is involved in eight more crimes, I am not inclined to release him on bail. Application is rejected.

**( N.R. BORKAR, J. )**