

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

BAIL APPLICATION NO.2442 OF 2022

PRADNYA
MAKARAND
BHOGALE

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1. Ramesh Baban Masne
2. Pravin Parshuram Morge ..Applicants
VS.
The State of Maharashtra ..Respondent

Adv. Dilip P. Kamath a/w Adv. Manish Singh a/w Adv.
Sandhya Tiwari a/w Adv. Archana Tiwari a/w Adv. Viraj Patil
for the Applicants.

Mr. S. V. Gavand, APP for the State.

Adv. Pratap Nimbalkar for the intervenor.

Mr. Mahashabde, PSI, Crime Branch, Ulhasnagar is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 13, 2023

P.C. :

1. Heard learned counsel for the applicants and learned
APP for the State.

2. This is an application for bail by the applicants-
Ramesh Baban Masne and Pravin Parshuram Morge in
connection with C.R. No.62 of 2014 dated 23/05/2014
being Special Case No.7 of 2014 registered with Badlapur
Police Station for the offence punishable under Sections
302, 120-B of the Indian Penal Code, 1860 (hereafter 'the
IPC', for short), under Sections 3, 25(c) of Indian Arms Act,

under Sections 37(1), 135 of Maharashtra Police Act and under Sections 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short).

3. The date of the incident is 23/05/2014. The applicants were arrested on 18/06/2014 and they are now in custody for more than 8 years and 7 months. In all there are 7 accused. The applicant No.1 is the accused No.7 and the applicant No.2 is the accused No.6. It is alleged that there was a political rival between two groups. The applicants herein are alleged to be a part of the conspiracy hatched by the gang of which one Yogesh Raut is a gang leader. There were four assailants on two motor cycles who fired at the victim. The victim succumbed the bullet injuries. The allegation against the applicant Nos.1 and 2 is that they are a part of the conspiracy and members of the said gang. A detailed affidavit has been filed by Shri Rajkumar Bhanudas Dongare, Assistant Commissioner of Police, D-1 Crime Branch, Thane setting out the role assigned to the applicants and the materials against them. So far as the

applicant No.1-Ramesh Baban Masne is concerned, there are two criminal antecedents reported against him. He has been acquitted in both the CRs. which were registered against him. None of the CRs. except the present one registered against Ramesh was connected with the gang. So far as the applicant No.2-Pravin Parshuram Morge is concerned, there are four criminal antecedents reported against him. C.R. No.14 of 2013 under Sections 307, 324, 143, 147, 148, 149 of the IPC and 37(1), 135 of Bombay Police Act is common with the gang leader. The other offence appears to be independent and there is no commonality between gang. The allegation against the applicant No.1 is that he was a part of the conspiracy. The motor cycle which was used in the commission of the offence belongs to the brother-in-law of the applicant No.1. The materials against the applicant No.2 as revealed from the affidavit are thus :-

"25. I say that the Bail Application filed by the present Applicant/Accused namely **Pravin Parshuram Morge** (Orig. Accused No.6) may kindly be rejected on the following amongst grounds :

(i) That the present Applicant/Accused namely **Pravin Parshuram Morge** (Orig. Accused No.6) is the member of

Organized Crime Syndicated headed by gang leader Yogesh Raut;

(ii) That the present Applicant/Accused is an habitual offender and has three offences registered against him apart from present C.R. out of which C.R. No.14/2013 registered with Badlapur East Police Station is a common CR with the present Gang Leader Yogesh Raut as mentioned herein above in the chart of antecedents of Applicant/Accused No.6 Pravin Morge.

(iii) That the name of the present Applicant/Accused revealed in the statement of witness recorded u/s. 164 of Cr.P.C., stating that Applicant/Accused Pravin Morge was present in the office of Gang Leader Yogesh Raut during conspiracy.

(iv) That the present Applicant/Accused namely **Pravin Parshuram Morge** (Orig. Accused No.6) purchased two mobile handset of mobile company Samsung Guru 1200 in fake name of Shompli Kour to commit the offence. The statement of witnesses were recorded who knows Accused No.6 Pravin Morge who had purchased the said two mobiles, these two mobiles were given by Accused No.6 to Gang Leader Yogesh Raut who had then given the said two mobiles to Accused No.1 Chandrakant Mhaskar @ Pintya and Accused No.3 Nilesh Bapu Jadhav. The spot where these mobiles used for commission of offence were thrown by Accused No.1 Chandrakant Mhaskar @ Pintya who shown u/s. 27 of Panchanama of Accused No.3 Nilesh Jadhav;

(v) That the present Applicant/Accused namely **Pravin Parshuram Morge** (Orig. Accused No.6) purchased 5 SIM Cards in fake and fabricated names from Ram Enterprises, Badlapur (West), out of these two names are revealed and the statement of the said persons have been recorded. The 5 SIM Cards were purchased in different names viz. 1) 8605433061 Vinay Madhukar Shivmore, 2) 7767958439 Sudarshan Lallan Yadav, 3) 7030342746 Bharati Chauhan, 4) 7030342736 Rajesh Thakur and 5) 8976541269 Suraj Sabahit Yadav. Out of the 5 fake SIM Cards simcards at Sr. No.2 and 5 were traced and statement of witnesses in whose name they stated were recorded in which both the witnesses stated that they had not given any documents to Accused No.6 to purchase the SIM Cards in their names. The Applicant Accused No.6 purchased both mobiles and 2

SIM cards on the instructions of Accused No.4 Yogesh Raut (Gang Leader) for commissions of present offence for which Accused No.4 Yogesh Raut had given Accused No.6 Rs.3000/-. Hereto marked and annexed as **Exh."A"** is the copy of the said Memorandum Panchanama.

(vi) That the said mobile handset and SIM card were used by the Accused to commit amongst themselves for the commission of offence.

(vii) That the co-accused Gangaram Linge show the place where accused throw their cloths after the incidence and he also show the shop at Nashik where they purchased new cloths. The CCTV footage of Choice Mens Wears, Nashik, clearly shows that the Applicant/accused No.6 along with co-accused was purchasing new clothes after committing the present offence.

(viii) That the seizure panchanama was conducted at the office of Gang leader in which one LIC Dairy was found and wherein in the said dairy mentioned that huge amount was given to Applicant/Accused No.6 Pravin Morge. Hereto marked and annexed **Exh."B"** is the copy of said seizure panchanama."

4. The applicants are not the actual assailants as it is alleged that they are a part of the conspiracy. Considering that the applicants are in custody for more than 8 years and 7 months, on the ground of long incarceration as their right to speedy trial has been affected, with no sign of the trial concluding any time soon, the applicants can be released on bail. I am informed that even the charge has not been framed and there are as many as 95 witnesses to be examined.

5. Taking an overall view of the matter, the role assigned to the applicants and nature of the accusations, the applicants can be released on bail.

6. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) Applicants-Ramesh Baban Masne and Pravin Parshuram Morge shall be released on bail in connection with C.R. No.62 of 2014 dated 23/05/2014 being Special Case No.7 of 2014 registered with Badlapur Police Station, on his furnishing P.R. Bond of Rs.50,000/- each with one or more sureties in the like amount.

(c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence.

(d) The applicants shall report to the Crime Branch, Unit-I, Thane twice a month on every alternate Saturday of the month between 1.00 p.m. and 3.00 p.m. commencing the next month from the date of their release on bail.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicants shall not reside within the area of Thane district till the conclusion of the trial.

(g) Except for the purpose of attending the trial and reporting to the Investigating Officer the applicants shall not enter the area of Thane district.

7. The Bail Application is disposed of.

(M. S. KARNIK, J.)