

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO. 2467 OF 2022**

Vivek Ramesh Shewale

... Applicant

**V/s.**

State of Maharashtra

... Respondent

.....  
Ms. Shubhangi Parulekar a/w. Mr. Abhijeet Ghule-Patil, Advocate for Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 25<sup>th</sup> SEPTEMBER 2023**

**P C:-**

1. By this Application, Applicant is seeking bail in C.R.No. 40 of 2021 registered with Sahkarnagar Police Station, Pune for the offence punishable under Sections 395, 397 of Indian Penal Code, 1860 (for short "IPC") and under Section 3(1)(ii), 3(4) of Maharashtra Control of Organized Crimes Act (for short "MCOCA Act").

2. It is the prosecution's case that the first informant was working as a supervisor in Country Liquor Bar of one Vivek Gupta situated at Aranyeshwar, Pune and on 03.03.2021 at about 10.30

p.m. 6 unknown persons came to his shop with deadly weapons and tried to rob money from cash counter. At that time, first informant resisted the said act. It is alleged that first informant was assaulted by those persons and by threatening first informant they took out cash from the cash counter and fled away. In investigation, in connection of present crime police arrested Applicant and co-accused. It is alleged that, while committing dacoity Applicant was standing outside the said Country Liquor Bar.

3. It is the contention of learned Counsel for the Applicant that name of the Applicant was not mentioned in the FIR. Applicant's name was added after two months of the incident. There is no recovery at the instance of Applicant, only one offence was registered against the Applicant and while sending the proposal under MCOC Act no name of Applicant was mentioned in the said proposal. Investigation is completed and charge-sheet has been filed. Applicant is behind the bar more than two years. Hence, requested to allow the Application.

4. Learned APP submitted that the Applicant is a member of Syndicate crime. He has involved in the dacoity committed on Country Liquor Bar of first informant. Applicant was standing outside the said bar. It shows his involvement in the said crime. In

the confessional statement, Applicant has admitted that he was present at the time of incident. Applicant had 4 antecedents. If Applicant is released on bail, he may threaten prosecution witnesses. Hence, requested to reject the Application.

5. I have heard both the learned Counsel. Perused the FIR and charge-sheet. It is alleged that, Applicant was standing outside the Country Liquor Bar when co-accused had committed dacoity and robbed cash from the cash counter of the first informant's Country Liquor Bar. There is no recovery at the instance of Applicant. Applicant's name was not included in the proposal. Applicant is behind the bar more than two years. Investigation is completed and charge-sheet has been filed. Considering the above facts, his further detention is not required.

6. In view of the above, I pass following Order:

**ORDER**

- (i) Applicant be enlarged on bail in C.R.No. 40 of 2021 registered with Sahkarnagar Police Station, 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 Monday of the month

between 11.00 a.m. to 3.00 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 or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (v) The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this order.

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.)**

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by SONALI  
SATISH  
KILAJE  
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