

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3758 OF 2021

Rushikesh Hanumant Gadkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Priyal G. Sarada i/b Mr. Ashrif Ali A. Shaikh for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 15 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. 276 of 2020 registered at Dighi Police Station, Pimpri-Chinchdwad for the offences punishable under Sections 394, 323, 504, 506, 506(2) r/w 34 of the Indian Penal Code, Sections 3(1)(i)(ii), 3(4) of the Maharashtra Control of Organized Crime Act and Sections 37(1) r/w 135 of the Maharashtra Police Act.

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 15 May 2020, the present applicant and other co-accused assaulted the complainant and his friend Ramesh Chavan and robbed them of cash amount of Rs. 3000/-. According to the prosecution, the present applicant is a member of the organized crime syndicate formed by the co-accused Avinash Dhanve and the crime in question was committed by the said organized crime syndicate.

5. The learned counsel for the applicant has pointed out the entry recorded by the control room dated 15 May 2020 in relation to the incident in question. It is submitted that said entry would show that it was trivial dispute and not the case of robbery.

6. I have perused the said entry dated 15 May 2020. According to the said entry, phone call was made to control room and police assistance was sought. It appears that said phone call was made by Ramesh Chavan, who at the time of alleged incident was with the complainant. Pursuant to the said phone call police squad had reached to the place of alleged incident and they found it to be a trivial dispute and accordingly control room was informed.

7. Considering the above circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 276 of 2020 registered at Dighi Police Station, Pimpri-Chinchdwad for the offences

punishable under Sections 394, 323, 504, 506, 506(2) r/w 34 of the Indian Penal Code, Sections 3(1)(i)(ii), 3(4) of the Maharashtra Control of Organized Crime Act and Sections 37(1) r/w 135 of the Maharashtra Police Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(iii) 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.)