

Mr. Vivek Arote for the Applicant.
Ms. Veera Shinde, APP for the State.

DATED : 23 JANUARY 2023

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

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. It appears that though the approval to invoke the offences punishable under MCOC Act was granted, however, sanction to file the charge-sheet for the said offences came to be refused.

5. The allegations against the present applicant and co-accused are of assault by koyta, stone etc. However, the complainant appears to have sustained simple injuries. The applicant is in jail for more than two years. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Shubham Nivrutti Kavthekar be released on bail in Crime No. 774 of 2020 registered at Wakad Police Station, Pune for the offences punishable under Sections 307, 504, 506, 143, 144, 147, 148, 149, 427 of Indian Penal Code, Section 3(2)(a) of the Prevention of Damage to Public Property Act, Section 4 r/w. 25 of the Arms Act, Section 37(1)(3) r/w. 135 of the Bombay Police Act and Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not enter into the limits of Pune District except to attend the dates before the trial Courts.
- (iv) The applicant shall furnish his residential address where he is going to reside after his release and his mobile number to the concerned police station.

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
Date: 2023.03.10
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(N.R. BORKAR, J.)