



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

BAIL APPLICATION NO. 2601 OF 2023

AVINASH BHAUSAHEB CHINDHE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Sana Raees Khan a/w Adv. Aditya Parmar i/b Hulyalkar
Subhash P. for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 3, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Section 307 of the Indian Penal Code, Sections 3, 25 and 27 of the Indian Arms Act and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951, registered on 29/03/2023 vide C.R. No.214 of 2023 with Panvel City Police Station, Navi Mumbai.
- 3.** The incident is dated 28/03/2023. The victim/informant was fired at when she was travelling in the car.

The bullet hit on her legs. There are 5 accused in all. During the course of the investigation, it transpired that the victim had duped several investors to the tune of crores of rupees. The applicant who is accused No.4 was working as an agent collecting the deposits from the investors. The investors were pressuring the victim and the present applicant as well as other accused, as they failed to pay the promised returns on the investment. With a view to divert the attention and avoid paying the investors, a plan was hatched by the victim. The victim orchestrated the attack with the help of the other accused. For this purpose, she hired the assailants to stage a shootout. The applicant was the one who procured the pistol and one round which belonged to one of his cousins who had since died. The pistol was handed over to the victim.

4. Learned APP opposed the application contending that in the facts of the present case, considering the manner in which the entire conspiracy was hatched and the shootout was orchestrated at the instance of the victim and having regard to the role of the present applicant, the applicant

should not be enlarged on bail.

5. The charge-sheet is yet to be filed. The material against the applicant is in the form of a memorandum statement of the applicant. There is no recovery of the pistol at the applicant's instance. There are no criminal antecedents reported against the applicant. The applicant has been in custody since 06/08/2023. The applicant was named in the remand report almost 4 months and 15 days after the date of the incident. Further custody of the applicant is not necessary as he can be put to conditions while enlarging him on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Avinash Bhausahab Chindhe in connection with C.R. No. 214 of 2023 registered with Panvel City Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Panvel City police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant 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 applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) On being released on bail, the applicant shall not leave the jurisdiction of CBD Belapur Crime Branch till further orders of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)