

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4226 OF 2021**

Prajyot Pandurang Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Aniket Ujjwal Nikam a/w Mr. Piyush Toshnival i/b Mr. Amit Icham
for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 8 FEBRUARY 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 72 of 2021 registered at Hadapsar Police Station, Pune City for the offences punishable under Sections 392, 395, 120(B) r/w 34 of the Indian Penal Code, Sections 37(1) r/w 135 of Maharashtra Police Act, Section 4 of Arms Act and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

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 alleged incident, which took place on 23 January 2021, the complainant was returning home from his friend's hotel. It is alleged that at about 10:00 p.m, while, he was near Rajdhani Wines Shop, the present applicant and other co-accused accosted him and robbed him of gold chain and bracelet. It is alleged that crime was committed by the organised crime syndicate formed by co-accused Ganesh Pawar.

5. The report was lodged against three unknown persons. In the supplementary statement recorded after 7 days of the alleged incident, the complainant has stated that there were five to six persons.

6. There is a confessional statement of co-accused- Azhar Rahim Shaikh. He has not attributed any *overt act* to the present applicant in the alleged crime. The applicant is in jail for more than two years. There are no other criminal antecedents. *Prima facie*, there is no material to infer that the present applicant is a member of alleged organised crime syndicate formed by co-accused Ganesh Pawar. 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- Prajyot Pandurang Bhosale shall be released on bail in Crime No. 72 of 2021 registered at Hadapsar Police Station, Pune City for the offences punishable under Sections 392, 395, 120(B) r/w 34 of the Indian Penal Code, Sections 37(1) r/w 135 of Maharashtra Police Act, 4 of Arms Act and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of

Organised Crime Act, 1999 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.)