

Digitally
signed by
DINESH
SADANAND
SHERLA
Date:
2023.12.11
14:46:47
+0500

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2823 OF 2023

Akshay V. Khomne ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Rupesh A. Zade a/w. Ms Priyanka Gupta for the Applicant.
Ms M.M. Deshmukh, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 07.12.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.509 of 2020 registered at Rajgad Police Station for the offences punishable under Sections 395, 397, 307, 170, 171 of the Indian Penal Code, Section 3 read with 25 of the Arms Act and Sections 3(1)(ii) & 3(4) of the Maharashtra Control of Organized Crimes Act.
3. According to the prosecution, on the date of alleged incident which took place on 6 August 2020, the present applicant, who according to the prosecution is member of the organized crime syndicate formed by co-accused Appa Mane, along with other co-accused committed dacoity at the shop of Balaji Jewellers of gold ornaments and other articles worth Rs.17,32,000/-.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/ State.

5. The learned counsel for the applicant submits that the applicant is Veterinary Doctor and has no concern with the alleged organized crime syndicate of co-accused Appa Mane. It is submitted that apart from it, the Special Court has released the co-accused Pappu alias Suhas Kisan Sonwalkar on bail, who according to the prosecution was part of alleged dacoity. It is submitted that the applicant is in jail for more than three years and the trial is still at the stage of framing of charge. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP submits that the applicant is member of organized crime syndicate and involved in serious offence of dacoity. It is further submitted that there are criminal antecedents. It is submitted that the applicant in his confessional statement admitted his involvement in the alleged crime. It is thus submitted that the application may be rejected.

7. I have perused the charge-sheet and the reply filed by the Investigating Officer. According to the prosecution, the co-accused Pappu alias Suhas Kisan Sonwalkar was part of dacoity. The Special Court by order dated 15 June 2023 passed below Exhibit-10 in Special Case No. 399 of 2021 has released the said co-accused on bail. It is not disputed that the applicant has been acquitted in all other crimes. The applicant is in jail for more than

three years and the trial has not yet commenced. Considering the overall facts and circumstances, I am inclined to release the applicant on bail on certain conditions. In the result, the following order is passed.

ORDER

- A] The Application is allowed.
- B] The applicant be released on bail in C.R. No.509 of 2020 registered at Rajgad Police Station for the offences punishable under Sections 395, 397, 307, 170, 171 of the Indian Penal Code, Section 3 read with 25 of the Arms Act and Sections 3(1)(ii) & 3(4) of the Maharashtra Control of Organized Crimes Act. on furnishing P.R Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- C] The applicant shall not enter into Pune district without permission of the trial Court till conclusion of trial except to attend the dates before the trial Court.
- D] The applicant shall provide the address of the place where he is going to reside after his release and his contact number to the Rajgad Police Station.
- E] The applicant shall attend the police station within whose jurisdiction he is going to reside after his release once in a month, i.e., on first Saturday between 11:00 a.m. to 2:00 p.m., till conclusion of trial.

[N.R.BORKAR, J.]