



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

BAIL APPLICATION NO. 3115 OF 2023

ROHIT SURESH LONDHE @BHURYA ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Aniket Vagal a/w Adv. Kunal Pednekar a/w Adv. Divesh Mehani for the Applicant.

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

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 08, 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 Sections 302, 395, 397, 143, 147, 148, 149, 120-B, 201 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3(1)(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organised Crime Act, 1999, registered on 16/11/2020 vide C.R. No.555 of 2020 with Upnagar Police Station, Nashik.

3. The applicant is accused No.1. By order dated 24/08/2023 this Court enlarged the co-accused No.2 - Jay

@ Maruti Walmik Ghorpade on bail in Bail Application No. 1014 of 203. The relevant portion of the order reads thus:

"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 Sections 302, 395, 397, 143, 147, 148, 149, 120-B, 201 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3(1)(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short), registered vide C.R. No.555/2020 with Upnagar Police Station, Nashik.

3. My attention is invited to the order dated 20/10/2022 passed in Criminal Bail Application No. 191 of 2022 and Criminal Bail Application No.3090 of 2021 in respect of the co-accused Akshay Rajendra Parache and Harsh Kishor Babu. My attention is also invited to the order 11/8/2022 in Bail Application No.3804 of 2021 in respect of the co-accused Shiban Shafi Shaikh.

4. The role of the present applicant is similar and in any case not more than what is assigned to the accused referred to herein above. The observations in respect of the aforesaid accused while releasing them on bail will equally apply to the present applicant. However, learned APP is justified in contending that looking at the C.Rs. registered against the applicant which are reproduced herein below, stringent conditions need to be imposed on the applicant while enlarging him on bail.

5. The investigation is complete. The charge-sheet has been filed."

4. Learned APP while opposing the application contended that the role attributed to the present applicant is not

similar. However, I am satisfied that the role of the present applicant is similar to that of the co-accused No.2 who has been enlarged on bail by this Court. Learned APP further invited my attention to the affidavit in reply filed by the respondent and submitted that there is a criminal antecedent of the year 2020 under Section 307 of the IPC against the applicant which disentitles him from release on bail. Learned APP further invited my attention to the grounds mentioned in paragraph No.14 clauses (b) to (f).

5. Looking into the nature of the antecedent and the fact that the applicant is in custody since 16/11/2020 i.e. for more than 3 years, I am of the opinion that the antecedent by itself should not be the factor to deprive the applicant facility of the bail. So far the trial is concerned, only the charge has been framed. The trial is likely to take a long time to conclude. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Rohit Suresh Londhe @ Bhurya in connection with C.R. No.555 of 2020 registered with Upnagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more

sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Upnagar police station once in a month every first Saturday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not tamper with the evidence or give threat or inducement to any of the prosecution witnesses.

(e) The applicant shall not contact any of the co-accused and indulge in the activities identical to the one for which he has been arraigned in this case.

(f) The applicant shall not enter the area of Nashik District till the conclusion of the trial except for attending the trial and for the purpose of reporting to the investigating officer.

(g) The applicant shall furnish the address of his place of residence and contact details while residing outside Nashik District to the investigating officer.

(h) The applicant shall attend the trial regularly unless exempted by the Court for some reason. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)