

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

**BAIL APPLICATION NO. 3696 OF 2022  
WITH  
INTERIM APPLICATION NO. 195 OF 2023  
IN  
BAIL APPLICATION NO. 3696 OF 2022**

Arvind Rampal Sodha

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Ramanik Pawar a/w. Mr. Aamir Khan for the Applicant.

Mr. S.V. Gavand, APP for the State.

Mr. S.P. Pawar, API, Crime Branch, Navi Mumbai, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 02<sup>nd</sup> MAY, 2023.**

**P. C. :-**

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in MCOC Case No.05/2019 pending on the file of learned Additional Sessions Judge, Thane. The said case arises from FIR No.414/2018 registered with Vashi Police Station, Navi Mumbai for offences punishable under sections 212, 307 r/w. 34 of the Indian Penal Code and sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime (MCOC) Act, 1999.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. Pursuant to the FIR lodged by Praveen Shetty, crime was registered against the Applicant for the offences punishable under sections 212, 307 r/w. 34 of the Indian Penal Code. On 14/12/2018, the Competent Authority granted prior approval under section 23(1)(a) of MCOC Act and sanction was granted to prosecute the Applicant under the provisions of MCOC Act.

4. The case of the prosecution in brief is that on 21/09/2018, near Mini Sea Shore at Vashi near the gate of NMMC General Hospital, the Applicant along with the co-accused inflicted injuries on the first informant – Pravin Shetty by means of iron rod, fist blows and kicks. The first informant is alleged to have sustained injuries due to the said incident. The crime was investigated and charge sheet has been filed against the Applicant for committing the aforesaid offence.

5. The provisions of section 307 have been invoked essentially on the basis of the statement of the first informant that the Applicant along with other co-accused had assaulted him by iron rod, fist blows and kicks. The statement of the injured/first informant has been recorded by the Special Court wherein he has denied having seen the person who had inflicted the injuries on the first informant. The injured has not supported the case of the prosecution. Apart from the statement of the injured/first informant,

there is no other material on record to show the involvement of the Applicant in inflicting injuries on the first informant.

6. It is also pertinent to note that the co-accused Kiransingh Raj Purohit against whom similar accusations have been made, has been granted bail by this Court (Coram : Sandeep K. Shinde, J.) by order dated 18/02/2021 in Bail Application No.2685 of 2019. The Court has observed that there are no reasonable grounds for believing that the co-accused was guilty of any offence punishable under MCOC Act.

7. As noted above, the allegations against the Applicant are similar to that of the co-accused. Hence, the Applicant is also entitled for bail on the ground of parity. In view of the above, the Application is allowed on the following terms and conditions :-

(a) The Applicant who is facing trial in MCOC Case No.05/2019 pending on the file of learned Additional Sessions Judge, Thane arising from FIR No.414/2018 registered with Vashi Police Station, Navi Mumbai, is ordered to be released on bail on furnishing bail bonds in the sum of Rs.50,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the concerned

Investigating Officer, Vashi Police Station, Navi Mumbai on every Monday of a week between 11:00 a.m. to 01:00 noon until further orders ;

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(d) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(e) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

8. Bail Application stands disposed of in above terms. Interim Application stands disposed of in view of disposal of Bail Application.

(SMT. ANUJA PRABHUDESSAI, J.)

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