



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

911 BAIL APPLICATION NO. 526 OF 2024

DIPAK AMBADAS POKALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Avinash N. Barhate Patil.
APP for Respondent/State : Mrs. Dipali S. Jape.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 24th April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.220 of 2023, registered with Rahata Police Station, District Ahmednagar, for the offences punishable under Sections 395, 341, 385, 384, 323, 504, 506, 201 of the Indian Penal Code and under Section 3/25 of the Arms Act.

3 It is averred in the report by informant Vijay Bobde, resident of Sambhaji Chowk, Rahta, that he is running a business of transportation of foodgrains for fair price shop under the contract of the Government. His vehicle loaded with foodgrains was stopped by the accused on 14th March, 2023. The applicant possessed challan under

threats to the driver. The informant reached on the spot when the driver made phone call to him. The applicant demanded Rs.10,00,000/- to him. The applicant that time threatened the informant to kill. The informant paid the amount of Rs.4,00,000/- to the applicant under the threats, however, the applicant continued that demand and also apprehended the informant under the point of pistol. The applicant called other accused there and thereafter, the applicant was arrested when the report was lodged on 15th April, 2023.

4 The learned counsel for applicant submitted that there is delay of one month for lodging the report. The applicant is falsely implicated in the crime. The charge-sheet is filed. The applicant has roots in the society. He will not flee away from the trial. The trial will take long period. It is submitted that the applicant is ready to deposit Rs.4,00,000/- in the Trial Court, which may be kept in fixed deposit and after the conclusion of trial, the said amount can be repaid to the applicant, if it is proved that he is not involved in the crime. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime. He has criminal antecedents. He is involved in 13 offences and he is also facing the trial under MCOCA Act as well as the Arms Act.

The applicant is the main accused and wire-puller of that conspiracy to commit the alleged offence. If he is released on bail, he will certainly continue such nature of offences. The statements of witnesses are pointed out. Further, it is submitted that earlier bail application was withdrawn. Therefore, the applicant is certainly not entitled for bail. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses. The alleged pistol is not seized. The amount of Rs.4,00,000/- is not seized. However, there are statements of informant and others including the driver, which is a material evidence against the applicant. The learned counsel for applicant submitted that though earlier application was withdrawn, now there is change in circumstances that the applicant is ready to deposit Rs.4,00,000/-, which he demanded and got from the informant. Except this applicant, other accused are released on bail. No doubt the applicant is wire-puller and main conspirator of the said crime and he has criminal antecedents, however, the trial will take long period. The learned counsel for applicant has shown *bona-fides* that the applicant is ready to deposit the ransom amount of Rs.4,00,000/- in the Trial Court.

7 Considering the peculiar set of facts that the applicant has roots in the society, he will not flee away from the trial, custody of

applicant is not necessary and the trial will take a long period, the application, therefore, deserves to be allowed on the principle that bail is rule and jail is exception on certain stringent conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.220 of 2023, registered with Rahata Police Station, District Ahmednagar, for the offences punishable under Sections 395, 341, 385, 384, 323, 504, 506, 201 of the Indian Penal Code and under Section 3/25 of the Arms Act, be released on bail **on depositing Rs.4,00,000/- (Rupees Four Lakhs) in the Trial Court and on furnishing personal bond of Rs.50,000/-** with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not involve in such nature of crime.
 - d) The applicant shall not enter into Tahsil Rahata, District Ahmednagar, till the conclusion of trial, except the dates fixed by the Trial Court for hearing.

8 If breach of any of the above conditions is noticed by the

Trial Court, the Trial Court is at liberty to cancel the bail of this applicant without reference to this Court.

9 The Trial Court is further directed that if the amount of Rs.4,00,000/- is deposited in the Trial Court on behalf of the applicant, it shall be kept in fixed deposit in any nationalized bank and at the end of trial, the Trial Court may dispose it of and decide as to whether it has to be paid to the applicant alongwith interest or to the informant.

10 Concerned to act upon the authenticated copy.

[SANJAY A. DESHMUKH, J.]

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