

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
BAIL APPLICATION NO. 1737 OF 2024

Sanjan Pawan Bhosale

.... Applicant

Versus

State of Maharashtra

.... Respondent

Mr. Rahul K. Dhaigude a/w Mr. Dipak Jadhav, for the Applicant.

Mr. Swapnil V. Walve, APP, for the Respondent – State.

Mr. Gaikwad, PSI, Phaltan Urban Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th OCTOBER, 2024.

P.C. :

1. By this application, Applicant is seeking bail in Crime No.173 of 2019 registered at Phaltan Urban Police Station for the offences punishable under Sections 397, 394 r/w 34 and 120-B of the Indian Penal Code, 1860 (for short “IPC”) and Sections 4, 25 of the Arms Act, 1959 and Sections 3(1)(ii), 3(2), and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (for short “MCOC Act”).

2. It is the prosecution’s case that on 2nd June, 2019 at about 9:00 p.m. first informant’s father Pritam Gandhi was returning home after closing the shop. When he reached to home and was parking his

two wheeler in the parking slot of the apartment. The informant who was present in the house heard scream of his father. When, he peeped from the gallery, he noticed one unknown person was stabbing by knife to his father and another person was throwing chilly powder in his eyes. The informant rushed to spot and caught hold one of the assailant. Another accused was trying to snatch cash bag from his father and succeeded to escape. The neighbors gathered after hearing screaming and they caught red handed one of the accused on the spot and handed him over to the police. It is alleged that Applicant was the main perpetrator behind the said crime and he had hatched the plan to rob the first informant's father.

3. It is contention of learned counsel for the Applicant that Applicant has been falsely implicated in this case. He is behind bar for more than 5 years. Applicant was not present at the incident spot. Allegations against him that he is a conspirator. Investigation is completed and charge-sheet has been filed. The co-accused, who was apprehended on the spot has been released on bail by this Court. The other co-accused also released on bail. Hence, Applicant is seeking bail on principle of parity and, requested to allow the application.

4. It is contention of learned APP that Applicant is king pin

behind the said crime. Applicant has criminal antecedents, while on bail, he has committed the said crime. If he released on bail, he may again indulge in such type of crime.

Learned APP further submitted that if Applicant released on bail, he may abscond and may not be available for trial. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and police papers produced on record. Allegations against the Applicant are that he was conspirator of the present crime. Applicant was not present at the time of incident. The co-accused, who was apprehended on the spot and other co-accused who threw chilly powder in the eyes of the father of informant have been released on bail. Applicant is behind bar for more than 5 years. It may take time to dispose of the trial, as charges in this matter are recently framed.

6. Considering these facts, further detention of the applicant is not required and, I pass following order.

ORDER

- i. Application is allowed.
- ii. The applicant be enlarged on bail furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the

like amount.

- iii. Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.
 - iv. Applicant shall not indulge in any criminal activity. If any offence is registered against him, it will be ground to cancel his bail.
7. The application is allowed in the aforesaid terms and is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)