

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1693 OF 2023

Somnath @ Sonya Bandu Shinde

...Applicant

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Sudeep Pasbola a/w Mr. Shailesh Chavan and Mr. Prathamesh Borkar, Advocate for Applicant.

Mr. Pandurant H. Gaikwad-Patil, APP for the Respondent/State.

CORAM:- ANIL S. KILOR, J.

DATED:- 1ST JULY, 2024

PC:-

1) By this application under Section 439 of the Code of Criminal Procedure the Applicant is seeking bail in Crime No.619 of 2022, registered with Satara Police Station, Dist. Satara, for the offences punishable under Sections 302, 201, 120B, 419, 109, read with Section 34 of the Indian Penal Code and sections 3, 25 of the Arms Act, 1959 and Section 37[1][3], 135 of Bombay Police Act.

2) The allegation in the present matter against the applicant is that he was involved in the conspiracy hatched, to eliminate the deceased.

3) Shri. Pasbola, the learned counsel for the applicant submits that the applicant was not present on the spot and none of the witnesses have named the applicant. The only evidence against the applicant is that there is recovery of keys. It is further submitted that the CDR is relating to mobile number allegedly used by the applicant but, the said number does not stand in the name of the applicant. It is therefore submitted that in absence of any evidence that the said mobile phone belongs to the applicant, relying upon the CDR the bail cannot to be denied to the applicant. Furthermore, he submits that that as the charge-sheet has been filed, considering the period of incarceration of the applicant, he may be released on bail.

4) On the other hand, the APP strongly opposed the application. It is submitted that the offence is very serious and it is the outcome of gang war for supremacy.

5) It is pointed out that there are antecedents against the applicant and since he was involved in hatching conspiracy to eliminate the deceased, the applicant may not be granted bail.

6) It is further submitted that the CDR shows that the applicant made 69 phone calls to the main accused and 80 calls to co-accused

juvenile in conflict with law, on the date of incident and prior to incident. He therefore submits that since there is sufficient evidence available on record, this court may not grant bail to the applicant.

7) Having considered the charge sheet and the material collected by the Investigating Officer during the investigation, it is evident that *prima facie* there is rivalry between two groups, who are involved in to criminal activities.

8) This rivalry appears to be for supremacy. In the circumstances, so far as the submission of the learned counsel for the applicant that, the mobile number which allegedly used by the applicant on the date of incident, does not stand in the name of the applicant, is a matter of evidence and it is not sufficient at this stage to disbelieve the prosecution story of hatching conspiracy by the applicant to eliminate the deceased. There is a reason and motive for the same as in the year 2022 cross FIR's were filed by both the groups against each other viz Crime No.83 of 2020 and Crime No.84 of 2020.

9) In the circumstances, considering the above referred factors and as the offence is serious and there is a every possibility that if the applicant is released on bail he may repeat the offence or he may

pressurize the witnesses, I am not inclined to grant bail. Accordingly, the application is rejected.

[ANIL S. KILOR, J.]

GAYATRI
RAJENDRA
SHIMPI

Digitally signed
by GAYATRI
RAJENDRA
SHIMPI
Date:
2024.07.03
15:32:33
+0530