

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

CRIMINAL BAIL APPLICATION NO. 3178 OF 2023

Shantanu Rajendra Pawar ...Applicant

Versus

The State Of Maharashtra ...Respondent

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Mr. Kuldeep Nikam, Advocate for the Applicant.

Mr. Shriram Chaudhari, APP for the Respondent – State.

Mr. Prakash Mane, ASI, Shahupuri Police Station, Satara, present.

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CORAM : ANIL S. KILOR, J.

DATE : 10th JUNE, 2024.

P.C.:

1. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.371 of 2022 registered with Shahupuri Police Station, District: Satara for the offences punishable under Sections 307, 326, 387, 143, 147, 148, 149, 341 of Indian Penal Code (for short 'IPC'), Section 4 (25) of the Arms Act, Sections 3(1)(II), 3(2), 3(4) of Maharashtra Control of Organized Crimes Act, 1999 and Sections 142, 37(1) (3)/135 of the Bombay Police Act, 1951.

2. Learned Counsel for the Applicant points out that the provisions of MCOC Act are made applicable however, this is the only case registered against the present Applicant. It is pointed out

that he is a student aged about 21 years and pursuing the studies. It is further submitted that because he was seen in the CCTV along with the other accused persons, he has been roped into the present offence. It is lastly argued that he is in jail from last about three years. It is submitted that after completion of the investigation the charge-sheet has been filed by the Police. He accordingly submits that the Applicant may be released on bail.

3. The learned APP, on the other hand opposed the present application on the ground that the Applicant was found in CCTV footage and he was identified in the test identification parade which was conducted after two and half months. It is submitted that the offence is very serious. Accordingly, prays for rejection of present application.

4. I have perused the charge-sheet and thereupon it is seen that, this is the only offence registered against the Applicant who is 21 years old student.

5. Though the CCTV footage was recovered however there is no transcript of the same. Further more there is no specific act attributed to the Applicant. Thus, on the basis of the fact that the Applicant was present at the time of incident, he was made accused in the present matter. Moreover, initially when the first information

report was registered, the Applicant was not named, but in the supplementary statement the Applicant was named.

6. In the above referred facts and circumstances, there is a reason to believe that the Applicant was not involved in the alleged offence and if he is released on bail, he may not commit the similar offence. Hence, I pass the following order;

ORDER

- i. Criminal Bail Application No. 3178 of 2023 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.371 of 2022 registered with Shahupuri Police Station, District: Satara for the offences punishable under Sections 307, 326, 387, 143, 147, 148, 149, 341 of Indian Penal Code (for short 'IPC'), Section 4 (25) of the Arms Act, Sections 3(1)(II), 3(2), 3(4) of Maharashtra Control of Organized Crimes Act, 1999 and Sections 142, 37(1)(3)/135 of the Bombay Police Act, 1951, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii. The Applicant shall not enter within the territorial jurisdiction of Shahupuri Police Station, District: Satara till conclusion of trial except for attending trial;

- iv.** The Applicant shall submit his address to the nearest Police Station and shall attend the said Police Station on 1st and 16th day of every month between 11:00 am to 12:00 noon till conclusion of trial;
- v.** The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi.** Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;
- vii.** The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii.** Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)