

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

CRIMINAL BAIL APPLICATION NO. 3341 OF 2023

Shubham @ Chingya Ravindra Jadhav	Applicant
versus	
The State of Maharashtra	Respondent

Mr. Mihir Desai, senior Advocate with Mr. Shailesh D. Chavan, Mr. Prathamesh Bankar, Advocate for Applicant.
Mrs. Veera Shinde, APP, for State.
Mr. Shivaji Jadhav, PC, Present.

CORAM : ANIL S.KILOR, J.

DATE : 23rd SEPTEMBER, 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 4 of 2021 registered with Bhunj Police Station, Satara, for the offences punishable under Sections 302, 307, 364, 120-B, 396, 201 read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(ii), 3(2), and 3(4) of Maharashtra Control of Organized Crime Act, (MCOC), Act.
3. Having gone through the charge-sheet and the material collected by the Investigation Officer during the investigation, it is evident that in the FIR, the applicant was not named. The incident took place in January, 2021 and till March, 2021, none of the

witnesses named the applicant. However, in March, 2021, Gaurav Matkar, the injured one, first time stated the name of the applicant in his statement. However, the said witness Gaurav did not identify the applicant during the Test Identification Parade. Similarly, a witness Jeevan Chhetri, also did not identify the applicant during the Test Identification Parade. Thus, it creates doubt about the prosecution story as far as the applicant is concerned.

4. Furthermore, there is no antecedent against the applicant or there is no material to point out that the applicant is a member of the syndicate.

5. In the above-referred backdrop, though the learned APP is strongly opposing the application, there is a reasonable ground to believe that the applicant is not guilty of the alleged offence. Moreover, as there are no antecedents, it cannot be said that there is a possibility that if the applicant is released on bail, he may commit the similar offence. Accordingly, I pass the following order.

ORDER

(i) Bail Application is allowed and disposed off;

(ii) It is directed that the applicant shall be released on bail in Crime No. 4 of 2021 registered with Bhunj Police Station, Satara, for the offences punishable under Sections 302, 307, 364, 120-B, 396, 201 read with Section 34 of the Indian Penal Code, 1860 and Sections 3(1)(ii), 3(2), and 3(4) of Maharashtra Control of Organized Crime Act, (MCOC), Act, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall not enter into territorial jurisdiction of Bhunj Police Station, Satara, till conclusion of trial, except on the date of trial;

(iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of trial, except on the date 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 in case Applicant breaches any of the conditions and/or 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.

(ANIL S.KILOR, J.)