



Diksha Rane

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

BAIL APPLICATION NO.4244/2023

SUNIL GUNDIBA KUMBHAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Tejas Hilage for the applicant.
Smt. Sangeeta D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 14, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 353, 467, 468, 471, 474, 143, 144, 147, 148, 149, 224, 225, 120-B, 75 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3/25, 27 of the Arms Act registered on 6/9/2023 vide C.R. No.119/2023 with Rajapur Police Station, Ratnagiri.
3. The applicant was arrested on 29/10/2023. The applicant is the accused no.6.
4. The prosecution case in brief is that one Satish

Navnath Ingale API of the State Excise Department of Flying Squad, Mumbai, filed a complaint alleging that on a secret information that one Bharat Benz four wheeler is transporting liquor illegally on Mumbai-Goa Highway. A trap was organized. The vehicle was accosted on 1.40 a.m. The accused nos.4 and 5 were taken in the custody. Thereafter, about ten minutes later two vehicles from Goa side came at the spot and from it 7 to 8 persons got down. The main accused no.1 Somnath Bhosale and his brother Shekhar Bhosale asked the complainant to release the vehicle. The main accused Somnath took out a pistol and threatened to commit suicide. He fired one shot in the air. The complainant told accused Somnath not to interrupt in his official work. The accused Somnath thereafter fired second shot in the air and asked the complainant to release the vehicle. Thereafter, all the accused ran away from the spot.

5. So far as the present applicant is concerned, it is the contention of learned APP that the co-accused has named the present applicant being one of the persons who was there in the company of the other accused along with Somnath Bhosale. Apart from the statement of the co-

accused, *prima facie*, there is no material on record against the present applicant. The applicant was arrested on 29/10/2023 and is in custody for more than four months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sunil Gundiba Kumbhar in connection with C.R. No.119/2023 registered with Rajapur Police Station, Ratnagiri, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Rajapur police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall surrender his passport to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)