

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

BAIL APPLICATION NO. 104 OF 2024

Yogesh @ Nunya Shashikant Pawar

....Applicant

Versus

State of Maharashtra

....Respondent

Ms. Shubhangi Parulekar, Advocate for the Applicant.

Ms. S. G. Talhar, APP, Advocate for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th MARCH, 2024.

P.C. :

1. By this application, applicant is seeking bail in Crime No.75 of 2019 registered with Dattawadi Police Station, Pune for the offences punishable under Sections 302, 307, 324, 201, 120-B, 143, 147, 148, 149 of the Indian Penal Code, 1860 (for short “IPC”) and under Sections 2 (25), 4 (25) of the Arms At, 1959 and under Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 (for short “MCOC”).

2. It is prosecution’s case that on 13th January, 2019 at about

6:00 p.m. complainant and his friends namely Nilesh Wadkar, Amol Kadam, Ganesh Jadhav, Hrishikesh Chavan, Sujeet Badambe, were proceedings from Jay Bhavani Nagar via Yallamma Mandir to Kande Ali. On their way they came across Sunil Dokephode @ Chocolate Sunya, Navnath Valhekar, Yogesh Jambhale, Abhijeet Kadu, Avinash Devkule, Nitin Metkari, Sameer Natekat @ Kala Dadya, Akshay Ambawale, Shubham, Rakesh Shimpi, Sohali Shaikh, Saurabh Adhav, Raj Adhav, Pappu Gaikwad, Atish Mali. On account of previous enmity/rivalry between the two groups and as the complainant's group opposed the accused's group from collecting extortion money in that area, on that count the accused persons by entering into pre-planned criminal conspiracy, by firing from gun and also by assaulting with the means of sickle and by fists and blows caused the death of Nilesh Wadkar and attempted to cause the murder of Amol Kadam, Ganesh Jadhav, Sujit Badambe and fled away, thereafter the complainant lodged the complaint with Dattawadi Police Station.

3. It is contention of learned counsel for the applicant that, the role attributed to the applicant in the first information is that, he had beaten the eye witness Amol Kadam with fist and blows. Except

these allegations there are no allegations against the applicant. Learned counsel further submits that there is no antecedents of the applicant. There is no recovery at the instance of the applicant. Investigation is completed and charge-sheet has been filed. Learned counsel further submitted that co-accused Raj @ Rajesh Raosaheb Aadhav has been released on bail. The role attributed to the present applicant is lesser than co-accused Raj @ Rajesh Raosaheb Aadhav. Hence, requested to allow the application.

4. It is contention of learned APP that, applicant was member of syndicate crime. There was rivalry between two gangs and out of that rivalry deceased was murdered by the gang of applicant. Applicant was present at the time of incident, he participated in assault on deceased, it shows his involvement in crime. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. Allegations against the applicant are that, he beaten the injured witness Amol Kadam with fist and blows. The statements of eye witness also shows same allegations against the applicant. The

death of deceased is caused due to hemorrhage and shock due to multiple chop injuries. There is no recovery at the instance of the applicant. Applicant is behind bar more than five years. Investigation is completed and charge-sheet has been filed. The co-accused Raj @ Rajesh Raosaheb Aadhav has been released on bail.

7. Considering the above facts, applicant's further detention is not required.

8. In view of above, I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicant be released on bail in Crime No.75 of 2019 registered with Dattawadi Police Station, Pune, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- iii. Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- iv. The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile

details, if any, from time to time to the Investigating Officer.

- v. Applicant shall not tamper with the evidence and/or influence or contact the complainant, witnesses or any person concerned with the case.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)