

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

BAIL APPLICATION NO.2366 OF 2023

Monya @ Rohan Balu Satpute

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rajesh A. More a/w Mr. Soham Powar, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

Mr. B. P Shirsat, P.S.I., Bibwewadi Police Station, District-Pune.

CORAM: MADHAV J. JAMDAR, J.

DATED: 05th APRIL 2024

P.C.:

1. Heard Mr. More, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	111 of 2021
2	Date of registration of F.I.R.	16/05/2021
3	Name of Police Station	Bibwewadi, District-Pune
4	Section/s invoked	307, 324, 323, 504, 143, 147, 148, 149 r/w 34 of the <i>I.P.C., 1860</i> ; 37(1) r/w 135 & 142 of the <i>Maharashtra Police Act, 1951</i> ; 4 & 25 of the <i>Arms Act, 1959</i> ; 3(1)(ii), 3(2), 3(4) of the <i>Maharashtra Control of Organised Crime Act, 1999</i> (“ MCOC Act ”).
5	Date of incident	15/05/2021
6	Date of arrest	19/05/2021
7	Date of filing Charge-sheet	15/09/2021

3. As per the prosecution case, the Informant-Akash Khopade went to a pharmacy at Bibwewadi, Pune at about 8.50 p.m. on 15th May 2021. While he was talking with his friend i.e. Injured-Monty Kalekar and one Abhishek Kamble, total 6 Accused persons including the present Applicant attacked the Injured with kicks and fist blows and with a sword. The role which has been attributed to the present Applicant is that he assaulted the Injured with a stone. It is the prosecution case that grievous injuries were caused to the injured persons in the assault in question and during investigation, it was revealed that the Applicant is member of an 'organised crime syndicate'. Therefore, provisions of the MCOC Act came to be invoked. On completion of investigation, Charge-sheet was filed with sanction under Section 24(2) of the MCOC Act.

4. It is the contention of Mr. More, learned Counsel for the Applicant that the Applicant is incarcerated since 19th May 2021. He submitted that the only role attributed to the present Applicant is that the Applicant assaulted the Injured with a stone. He submitted that the said assault has been captured in a CCTV and the video of the same is available. He pointed out the *Panchanama* regarding CCTV footage (Page Nos.134-135) and submitted that it is specifically mentioned in the same that the role of assaulting the Injured with a stone has been attributed to one child in conflict with law. He submitted that as far as

the other antecedent i.e. F.I.R. bearing No.332 of 2019 is concerned, he has been granted bail. He pointed out the F.I.R. in that case which is at (Page Nos.646-652) and submitted that in the said F.I.R., even his name is not mentioned. He pointed out the statement of one Prathmesh Ramesh Chavan (Page No.713) recorded in the said crime, where, for the first time, his name has been recorded in statement dated 11th November 2019 when the F.I.R. was lodged on 5th November 2019. He therefore submitted that as far as the said incident in question is concerned, the same is a totally false case and that he has been falsely implicated. He submitted that as far as this case is concerned, as per the C.C.T.V. footage, no role has been attributed to the present Applicant. He submitted that invocation of provisions of MCOC Act against the Applicant is not justified and that the Applicant is not a part of an organised crime syndicate.

5. On the other hand, Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that there is a previous Charge-sheet filed. She submitted that one Darshan Yuvraj Halande is the gang leader against whom there are 5 offences registered including the present offence. She submitted that the Applicant is involved in two offences out of the said five offences including the present offence. She submitted that the injuries suffered by the Injured are grievous in nature and therefore the Applicant be not granted bail.

6. Perusal of the record shows that the incident in question took place on 15th May 2021, and F.I.R. was lodged on 16th May 2021. The Applicant was arrested on 19th May 2021. It is an admitted position that investigation has been completed and Charge-sheet was filed in or about August 2021. As per the Charge-sheet there are several witnesses proposed to be examined by the prosecution. Till date, there is no further progress in the trial and even the Charges are also not framed yet. Accordingly, the trial is likely to take a considerably long time.

7. As per the Charge-sheet, the role attributed to the present Applicant is that he assaulted the Injured with a stone. There are total 6 persons who are involved in the commission of the offence in question, out of which 3 are children in conflict with law. As far as the 3 adult Accused are concerned, the present Applicant is Accused No.2. The said gang leader Darshan Yuvraj Halande is Accused No.1. Accused No.3- Nishant Sanjay Kedari has already been granted bail. The *Panchanama* of the CCTV footage on which Mr. More, learned Counsel for the Applicant has heavily relied upon (Page Nos.134-135) shows that a child in conflict with law has assaulted the Injured with a stone and the said *Panchanama* does not show that the Applicant has assaulted the Injured with a stone. It is important to be noted that this is the main reason provided by the learned Trial Court for rejecting the Bail Application.

8. As far as the allegation that the Applicant is a part of an organised crime syndicate is concerned, it is required to be noted that the Applicant is involved only in two offences including the present case with the Accused No.1-Darshan Yuvraj Halande who is a gang leader as per the prosecution case. Except these two cases there are no other antecedents.

9. As far as the present case is concerned, there is no role attributed to the present Applicant. As far as the earlier F.I.R. bearing No.332 of 2019 is concerned, the Applicant's name was mentioned after about 6 days and in any case, he has been released on bail in that case.

10. *Prima facie*, there is substance in the contention of learned Counsel for the Applicant that no role is attributed to the Applicant in the present case.

11. *Prima facie*, there is substance in the contention that the Applicant is not a member of an organised crime syndicate.

12. Accordingly, the Applicant is entitled to be released on bail.

13. The Applicant does not appear to be at risk of flight.

14. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

15. In view thereof, the following order:-

ORDER

- (a) The Applicant-Monya @ Rohan Balu Satpute be released on bail in connection with C.R. No.111 of 2021 registered with

the Bibwewadi Police Station, District-Pune on his furnishing P.R. Bond of Rs.50,000/- with one or two local solvent sureties in the like amount.

- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Bibwewadi Police Station, District-Pune once in a week i.e. on Sunday between 11.00 a.m. and 1.00 p.m., until the conclusion of the trial.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

16. The Bail Application is disposed of accordingly.

17. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]