



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

BAIL APPLICATION NO. 2993 OF 2023

ANURAG RAJU CHANDANE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Aniket Vagal a/w Mr. Kunal N. Pednekar and Mr. Divesh Mehani, for the Applicant.

Ms. Sangeeta D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 28, 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 307, 143, 144, 145, 148, 149, 427, 504 and 506 of the Indian Penal Code ("IPC", for short), Sections 3(25) and 4(25) of the Arms Act, Section 37(1)(3) of the Bombay Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the the Maharashtra Control of Organised Crime Act, 1999, (for short "MCOCA") registered vide C.R. No.358 of 2022 dated 20/08/2022 with Sinhgad Police Station, District Pune.

3. There are in all 9 accused. The applicant is the accused no.3. The date of the incident is 19/08/2022. The applicant was arrested on 20/08/2022.

4. The applicant is alleged to be the member of a gang headed by Chetan Alias Chaitanya Pandurang Dhebe (accused no.1). As per the statement of the eye-witnesses, the applicant was present at the time of the commission of the offence. There are 17 assailants in all. Learned APP submitted that involvement of the applicant is captured in CCTV footage apart from the eye-witnesses who have stated about the role and involvement of the applicant in commission of the crime. Learned APP submitted that the applicant is a member of the organized crime syndicate which is terrorizing local businessmen and citizens in the area of Pune, mainly Sinhagad area of Pune indulging in extortion activities.

5. The applicant was armed with a Sattur. The date of the incident is 19/08/2022. At around 6.30 p.m., the applicant along with his associates joined the programme which was organized by the complainant and started dancing. There was a quarrel which took place between the

friends of the complainant on one side and the present applicant and his friends on the other. In retaliation, the applicant and his associates started pelting stones towards the complainant's group and on the sound system. The applicant gave a blow of Sattur on the head of the complainant and attempted to commit his murder. The injuries suffered by the complainant are simple in nature.

6. Learned APP submitted that the main accused i.e. the gang-leader fired 2 shots towards the injured and the complainant but somehow they managed to evade the bullet injury. Learned APP submitted that in such circumstances, considering the role of the applicant and gravity of the offence, moreover, as the applicant is a part of the organized crime syndicate of which the accused no.1 is a gang-leader, it could be detrimental to the societal interest to enlarge the applicant on bail.

7. The applicant was arrested on 20/08/2022 and is now in custody for more than 1 year and 7 months. The charges have not been framed yet. The trial is likely to take a long time to conclude. The complainant has suffered simple injuries. So far as the commonality is concerned, apart from

the present offence, there is one offence the applicant has in common with the gang-leader being C.R. No. 571 of 2019 registered with Sinhagad police station under Sections 395, 143, 147, 148, 149 of IPC, under Sections 4(25) of Arms Act and under Sections 37(1)(3) read with Section 135 of the Bombay Police Act. At the relevant time, when the offence in respect of C.R. No. 571 of 2019 was committed, the applicant was a juvenile. In the facts and circumstances of the present case, in my opinion, taking an overall view of the matter, the present offence, prima facie, does not appear to have been committed in furtherance of the activities of the organized crime syndicate. These observations are prima facie only for the purpose of deciding this application for bail and shall not influence the trial. It is therefore in my opinion that rigours of Section 21(4) of the MCOC Act can be overcome in the present case. Furthermore, I propose to impose stringent conditions while enlarging the applicant on bail and therefore it is unlikely that the applicant will commit any other offence during the pendency of the trial. Learned counsel for the applicant on instructions, makes a statement that the applicant will stay

out of Pune district till further orders of the trial Court. The statement is accepted as an undertaking to this Court. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Anurag Raju Chandane in connection with C.R. No. 358 of 2022 registered with Sinhagad police station, District-Pune shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) Except for attending the trial in this matter and other criminal cases, the applicant shall not enter Pune district after being released on bail, till further orders of the trial Court. It is open for the applicant to make an appropriate application to the trial Court for modification of this condition after a year.
- (d) The applicant shall report to the police station which is nearest to the place of his residence while residing outside Pune district once in a fortnight, on first and third Sunday of every month, between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(e) The applicant shall inform the trial Court as well as the investigating officer the contact details as well as residential address while residing outside Pune district within 2 weeks from the date of his release on bail.

(f) 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.

(g) The applicant is put to a strict notice that in the event the applicant indulges in any type of offence or threatens the complainant/witnesses or intimidates the complainant/witnesses or violates any conditions while on bail, a strict view will be taken which may entail the consequence of cancellation of bail.

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

8. The application is disposed of.

(M. S. KARNIK, J.)