

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

Bail Application No.3145 of 2023

Rutik Vilas Chaudhari ... Applicant
v/s.
The State of Maharashtra ... Respondents

Mr Aniket Nikam i/b. Mr Amit Icham for the applicant.
Mr A.S. Shalgaonkar, APP for the State.
PSI Suvarna Gosavi, Hadapsar police station present.

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CORAM : N.R.BORKAR, J.

DATE : 2nd March 2024

P.C. :

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No.155/2021 registered with Hadapsar Police Station for the offence punishable under Sections 307, 506, 143, 144, 147, 148, 149, 201, 120(b) of the Indian Penal Code and Sections 37(1)(3) r/w. 135 of Maharashtra Police Act and under Section 4(25) of the Arms Act and under Sections 3 and 7 of Criminal Law Amendment Act and Section 3 of Prevention of Damages to Public Property Act and sections 3(1)(ii), 3(2), 3(3), 3(4) and 3(5) of the Maharashtra Control of Organized Crimes Act, 1999 (for short “MCOC Act”).

3. According to the prosecution the present applicant is member of organized crime syndicate led by co-accused Shubham Kamthe. It is alleged that on the day of incident which took place on 7th December 2021 the present applicant alongwith co-accused assaulted the Complainant by koyta and other sharp weapons and attempted to commit his murder, as there was gang rivalry between them.

4. I have heard learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that there is no material in the charge-sheet to connect the applicant with the alleged organized crime syndicate led by Shubham Kamthe. It is submitted that applicant is in jail for about 3 years and there are no criminal antecedents. It is further submitted that the Complainant-injured initially in his statement recorded on 17th February 2021 has stated that present applicant assaulted him by Koyta, however, in a supplementary statement dated 21st February 2021 and 2nd May 2021 he has stated that present applicant assaulted him by glass bottle. Learned counsel for the applicant submits that considering the overall facts and circumstances, applicant may be released on bail.

6. On the other hand, learned APP submits that applicant is a

member of organized crime syndicate. It is submitted that complainant/injured was brutally assaulted by sharp weapon and he luckily survived. The learned APP submits that considering the nature of offence applicant may not be released on bail.

7. The fact that there are no other criminal antecedents is not disputed. The applicant is in jail for about 3 years and the trial is still at the stage of framing of charge. The statements of the Complainant/injured with regard to the role attributed to the present applicant are not consistent. Considering the overall facts and circumstances, I am inclined to release the applicant on bail on certain conditions. Hence, following order is passed:

(i) Bail Application is allowed.

(ii) Applicant – Rutik Vilas Chaudhary shall be released on bail in Crime No.155/2021 registered with Hadapsar Police Station for the offence punishable under Sections 307, 506, 143, 144, 147, 148, 149, 201, 120(b) of the Indian Penal Code and Sections 37(1)(3) r/w. 135 of Maharashtra Police Act and under Section 4(25) of the Arms Act and under Sections 3 and 7 of Criminal Law Amendment Act and Section 3 of Prevention of Damages to Public Property Act and sections (1)(ii),3(2),3(3),3(4)and 3(5) of the Maharashtra Control of Organized Crimes Act, 1999 on furnishing PR bond in the sum of Rs.25,000/- with one or

two sureties in the like amount.

(iii) The applicant shall not enter into the Pune District except to attend the dates before the trial Court till the conclusion of the trial.

(iv) The applicant shall attend the police station within whose jurisdiction he is going to reside after his release on bail once in a month i.e. on 1st Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of the trial.

(N.R.BORKAR, J)

Lata Panjwani, P.S.