

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 3227 OF 2023**

Aniket Narendra Kadam

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. Rahul K. Dhaigude a/w. Mr. Dipak Y. Jadhav, Advocate for the Applicant.

Mr. Ashok S. Gawai, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.**DATE : 23rd APRIL, 2024.****P.C. :**

1. By this application, the applicant is seeking bail in C.R.No. 173 of 2019 registered at Phaltan Urban Police Station for the offence punishable under Section 397, 394, 34, 120B of the Indian Penal Code, 1860; Section 4, 25 of the Arms Act and Section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act (for short "MCOC Act").

2. It is prosecution's case that on 02.06.2019 at about 9:00 p.m. first informant's father Pritam Gandhi was returning home after closing the shop. When he reached to home and was parking his two wheeler in the parking slot of the apartment, the informant who was present in the house heard scream of his father. When he peeped from the gallery, he noticed one unknown person was stabbing by knife to his father and another

person was throwing chilly powder in his eyes. The informant rushed and caught hold one of the assailant. Another accused was trying to snatch the cash bag and succeeded to escape. The neighbours gathered after hearing screaming and they caught red handed present applicant on the spot and handed over him to the police.

3. It is contention of the learned counsel for the applicant that applicant has no criminal antecedents. He is behind the bar more than five years. He is student, yet charges have not been framed. The co-accused has been released by this Court. Investigation is completed and chargesheet has been filed. Hence, requested to allow the application.

4. Learned APP submits that applicant has been caught hold on the spot with knife and chilly powder is recovered from him. If he released on bail he may threaten prosecution witnesses, hence requested to reject the application.

5. I have heard both the learned counsel. Applicant is a student. There is no criminal antecedents of the applicant. Applicant is behind the bar around five years. Investigation is completed and chargesheet has been filed. Yet trial has not been started. Considering these facts further detention of the applicant is not required and I pass following order.

ORDER

- i. Applicant be enlarged on bail in C.R.No.173/2019

registered with Phaltan Urban Police Station, on executing P. R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- ii. 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.
- iii. Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- iv. The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this order.
- v. Applicant shall not enter in Phaltan City till the evidence of the complainant and eye witness is competed.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)