

The State of Maharashtra ... Respondent

Mrs. Veera Shinde, APP, for the Respondent / State.

DATE : 29TH JULY, 2024.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.1791 of 2022, registered with Pimpri-Chinchwad Police Station, Chakan for the offences punishable under Sections 302, 307, 324, 341, 141, 143, 144, 147, 148, 149, 506 and 120-B of the Indian Penal Code (for short, 'IPC'), Section 4(25) of the Arms Act, Section 37(1) r/w 135 of the Maharashtra Police Act and Sections 3(1) (ii), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act (for short, 'MCOC' Act).

3. The learned counsel for the applicant states that in the FIR or in none of the statements of the eye-witnesses, the applicant was named. It is further submitted that the applicant was arrested on 24.11.2022 and after more than three months the supplementary statement of the informant was recorded in which he first time named the applicant. However, no role is attributed to the applicant.

4. On the other hand, the learned APP is strongly relying upon the supplementary statement of the informant wherein first time he named the applicant to show the involvement of the applicant in the alleged offence.

5. Having gone through the charge-sheet and the material collected by the IO, it is evident that in the First Information Report or in the statements of the eye-witnesses, none of them have named the applicant. Even if the supplementary statement of the informant is considered which is recorded belatedly, except the presence, there is nothing is stated against the applicant and no role is attributed against the applicant.

6. Thus, prima facie, it appears that on the date of making the applicant as accused in the present offence, there was nothing on record to show that he was involved in the present offence.

7. Thus, from the above referred observations, it can be said that there is a reasonable ground to believe that the applicant is not involved in the present offence.

8. In the circumstance, the application is allowed. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.1791 of 2022, registered with Pimpri-Chinchwad Police Station, Chakan for the offences punishable under Sections 302, 307, 324, 341, 141, 143, 144, 147, 148, 149, 506 and 120-B of the Indian Penal Code, Section 4(25) of the Arms Act, Section 37(1) r/w 135 of the Maharashtra Police Act and Sections 3(1) (ii), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter into the territorial jurisdiction of Pimpri-Chinchwad till the conclusion of the trial;
- iv) The applicant shall attend the said Police Station on 1st and 16th day of every month between 10.00a.m to 11.00a.m., till the conclusion of the trial except on the date of trial;
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State for cancellation of bail in case of there is breach any condition or if the applicant commits any serious offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)