

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

CRIMINAL BAIL APPLICATION NO. 879 OF 2024

Ganesh @ Ganya Hanamanta Asawale ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

Mr. Rohan Hogle, Advocate for Applicant.

Mrs. Priyanka Rane, APP for State-Respondent.

None for Respondent No. 2.

Mr. Pradipsing Sisode, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 18th NOVEMBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 866 of 2022 registered with Khed Police Station, Pune for the offences punishable under Sections 376(A)(B), 376(D)(B) and 354(A)(3) of the Indian Penal Code, 1860 and Sections 4, 6 and 8 of the Protection of Children From Sexual Offences Act, 2012.
- 3) It is argued that the applicant was driving the motorcycle and the co-accused was the pillion rider who fired a round from a pistol on the police staff. It is argued that the applicant is not the one who fired. It is

submitted that nothing has been recovered from him. He therefore prays for grant bail.

4) On the other hand, the learned APP pointed out that in this case, the provisions of MCOC have been invoked against the applicant and there are five offences against the applicant, which are common with the gang, including the present offence.

5) In the above-referred backdrop, having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that there is sufficient evidence to show that the applicant is a member of the syndicate. There are offences including the present one against the applicant, which are common with the gang. Furthermore, there are statements of the members of police staff, who were present when a round was fired on them from a pistol by the co-accused i.e. accused No. 1.

6) In the circumstances, since there is sufficient incriminating material against the applicant, it cannot be said that there is a reasonable ground to believe that the applicant is not guilty of the present offence and further considering the fact that there are antecedents against the applicant, it cannot be said that if the applicant is released on bail, he will be available for trial.

7) In the circumstances, the application is rejected and disposed of.

8) At this stage, the learned Counsel for the applicant seeks liberty to move afresh.

9) Liberty is granted to move afresh in case of a change in circumstances.

[ANIL S. KILOR, J.]