

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO.926 OF 2024**

Firoz @ Sameer Kacharu Sayyad                      ...                      Applicant

V/s.

The State Of Maharashtra                      ...                      Respondent

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Mr. Satyavrat Joshi a/w Mr. Yash Fadtare, Samay Pawar and Shivani Kondekar, for the applicant.

Ms. Priyanka Rane, APP, for the Respondent / State.

Mr. Sandip Borkar, PSI, Chakan Police Station, Present.

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**CORAM : ANIL S. KILOR, J.**

**DATE : 17TH OCTOBER, 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.1576 of 2021, registered with Chakan Police Station, District : Pune for the offences punishable under Sections 302, 120-B, 201 r/w. 34 of the Indian Penal Code, Section 3/25 and 4/25 of the Indian Arms Act and Section 3 and 7 of the Criminal Law Amendment Act.
3.                      As per the case of the prosecution, on 23.12.2021 in the evening hour at about 7.00p.m. when informant Girish Karale was

standing with friends at Shelpimpalgaon Chawk, deceased Nagesh Karale arrived there in a car bearing registration No. MH-14-JJ-1323 and offered the informant to come for dinner with him, to which he denied. Therefore, the deceased went away. Thereafter, at very same day around 9.00p.m. Sangeeta Thakur, the owner of Milind Beer Shopee made a phone call to the informant and told that, in front of her beer Shopee some unknown person fires a shot on the deceased. Soon after, the informant rushed to the spot where deceased was lying in pool of blood. Immediately, the deceased was referred to Jaihind Hospital, where the doctor declared him dead. Thereafter, the informant went to Beer Shopee and saw CCTV footage where found accused Yogesh Daundkar and three unknown persons fires a shot on the deceased by pistol.

4. It is further alleged that, in the General Assembly Election-2019, one audio clip regarding conversation between accused Yogesh Daundkar and one Rajendra Mohite was made viral. On account of said audio clip, on 21.10.2019, the deceased abused Rajendra Mohite, Dilip Mohite and Sanjay Mohite. The informant was having suspicion and therefore, lodged the report of incident. On the basis of First Informtion Report, the crime was registered and arrested the accused, including applicant on the suspicion that he hatched criminal conspiracy with accused Yogesh to commit a murder of the deceased.

5. In view of the above referred case of prosecution, having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that the whole case is based on the CCTV footage. After going through the CCTV footage, it is

evident that the faces of all the accused were covered and FSL report as regards the applicant is concerned, the same is not in respect of the CCTV footage of actual incident.

6. Moreover, the learned trial Court granted bail to the co-accused Sopan Daundkar and this Court granted bail to the co-accused Shivshant Gaikwad and one Omkar Bhingare in the present crime.

7. In the above referred backdrop, though the learned APP is strongly opposing the application, on going through the CCTV footage which is the basis to oppose the present application, since faces were covered and it is difficult to identify, at this stage there is a reasonable ground to believe that the applicant is not involved in the alleged offence.

8. The learned APP has expressed an apprehension that if the applicant is released on bail he may commit the similar offence or he may pressurize the prosecution witnesses. Thereupon, the learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition, including the condition not to enter into territorial jurisdiction of Pune, till the conclusion of the trial.

9. Accordingly, I pass the following order:

### **ORDER**

- i) Criminal application is allowed;
- ii) It is directed that the applicant be released

on bail in Crime No.1576 of 2021, registered with Chakan Police Station, District : Pune for the offences punishable under Sections 302, 120-B, 201 r/w. 34 of the Indian Penal Code, Section 3/25 and 4/25 of the Indian Arms Act and Section 3 and 7 of the Criminal Law Amendment Act, on furnishing P.R.Bond of Rupees Fifty Thousand with one or more sureties in the like amount;

iii) The applicant shall attend the investigating officer of the concerned police station once in a month every first Monday of the month between 11.00a.m to 1.00p.m;

iv) 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;

v) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep with updated, in case there is any change;

vi) The applicant shall stay out of Pune District;

vii) Except for the purpose of reporting to the investigating officer and attending the trial, the applicant shall not enter Pune district till further orders of the trial Court.

The application is disposed of.

(ANIL S. KILOR, J)