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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1214 OF 2024

Yogiraj @ Bhayya Sandip Pansare ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Shailesh Chavan a/w Nagesh Khedkar and Mr. Ajinkya Mahadik, for the Applicant.

Ms.S.G.Talhar, , APP for the State.

Mr.Hasan Mulani, PSI, Hadapsar police station, Pune City present.

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CORAM : M.S. Karnik, J.

DATED : 23rd SEPTEMBER 2024

P.C. :-

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under sections 307, 337, 323 read with 34 of the Indian Penal Code, 1860, under section 4(25) of the Arms Act, section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short) registered on 02/08/2021 vide C.R. No.597 of 2021 with Hadapsar police station, Pune.
3. The applicant is arrested on 09/08/2021. The date of the

incident is 01/08/2021. In all there are 3 accused.

4. The case in brief is that first informant went to meet his friend Omkar. At that time, the applicant and his friend came on motorcycle. The applicant asked the first informant to give a cloth to clean his clothes which were mud-stained as the applicant had slipped from his motorcycle. The informant did not give him a piece of cloth. The applicant got annoyed. The worker of the informant provided a piece of cloth to the applicant. The applicant slapped Omkar. He told him that the applicant is 'Dada' of that vicinity. He started beating Omkar. Omkar called up his father on phone. The applicant got annoyed and called some boys from Hadapsar. The applicant took a knife from a hawker and assaulted Omkar's father and also the informant. The injuries on the victim are simple in nature.

5. This is a second bail application. Earlier Bail Application No. 1076 of 2023 filed in this Court was withdrawn by the applicant on 07/09/2023. Liberty was granted to apply after six months for bail.

6. Learned APP opposed the application for bail. It is submitted that the applicant is having as many as 5 offences registered against

him. It is further submitted that stringent provisions of MCOC Act are applied. It is further submitted that in the present case, twin conditions of 21(4) of MCOC Act are not satisfied. It is submitted that during the pendency of an externment order, the applicant entered the area and committed the offence. It is for this reason, learned APP urged that having regard to the tendency of the applicant to commit serious offences, bail should be denied.

7. The applicant is now in custody in the present case for almost 3 years and 1 month. The applicant is not a gang-leader. The present offence is the only offence in common with the gang leader. From the chart, it is seen that as many as 5 offences are registered against the applicant under the provisions of IPC, MCOC and Arms Act, 4 with Hadapsar and 1 with Dattawadi police station.

8. In my opinion, as the applicant is in custody for more than 3 years with no possibility of concluding trial any time soon, though there are criminal antecedents reported against the applicant which by itself should not be a reason to deprive the applicant the facility of bail, considering the period the applicant had spent in the custody, I am inclined to enlarge the applicant on bail. It is pointed

out that the prosecution intends to examine 60 witnesses. Though criminal antecedents should not be a factor to deprive the applicant the facility of bail, however, considering that the applicant committed the offence during the period he was externed, I propose to impose stringent conditions while enlarging the applicant on bail. Hence, the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant- Yogiraj @ Bhayya Sandip Pansare in connection with C.R. No. 597 of 2021 registered with Hadapsar police Station, Pune shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Hadapsar police station once in a week on every Monday of the week between 11.00 a.m. and 1.00 p.m.
- (d) 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.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly.

(g) The applicant shall not enter the area of Pune district till the conclusion of trial except for the purpose of attending the trial of the present case or other pending cases.

(h) The applicant shall intimate the investigating officer before entering the jurisdiction of Pune district for attending trial in the pending cases.

(i) It will be open for the witnesses to make an application before the trial Court for witness protection. If such an application is made, the same shall be considered on its own merits and in accordance with law and in terms of the Maharashtra Witness Protection and Security Act, 2017.

(j) It is made clear that if the applicant threatens the witnesses or enters the jurisdiction of Pune district in violation of this order, the same shall be viewed seriously. In that case, liberty to prosecution to apply for cancellation of bail.

8. The application is disposed of.

(M.S. KARNIK, J.)