

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1597 OF 2024

Sandeep Sugreev Ghodeswar, Age 26 years,
Occ.Labour, R/o.Room No.12, Blue Flag Chowk,
Laxminagar, Yerwada, Dist.Pune.
(Currently lodged in Yerwada Prison).

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satyavrat Joshi i/by Mr.Samay Pawar, Advocate for Applicant.
Mrs.Veera Shinde, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 8th 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.332 of 2021 registered with Yerwada Police Station, District Pune, for the offences punishable under Sections 307, 395, 452, 504, 506, 427, 201, 188 of Indian Penal Code r/w Section 4(25) of Arms Act r/w Sections 37(1), 135, 142 of Maharashtra Police Act r/w Sections 3, 7 of Criminal Law Amendment Act r/w Section 3 of Epidemic Diseases Act r/w Section 51(B) of disaster Management Act r/w Section 11 of Maharashtra Covid 19 Regulations Act and u/s.3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime Act, 1999.

3. Having gone through the charge sheet and relevant material collected by the Investigating Officer, prima facie it is evident that no specific overt act is attributed to the Applicant in the alleged offence.

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Furthermore after perusal of the injury certificates it can be seen that the injuries are of simple nature and hence it is doubtful whether Section 307 of IPC would attract in the present matter. The co-accused Shivraj Mirgal whose role is similar with the role of present Applicant, was released by this Court vide order dated 17th March 2023 in Bail Application No.835 of 2022. However, the difference is that there was no antecedent against Shivraj whereas there are three antecedents against present Applicant.

4. As far as apprehension expressed by learned APP that if the Applicant is released on bail he may commit similar offence, same can be addressed by imposing certain stringent conditions. Accordingly I pass following order :

ORDER

(i) Bail Application is allowed and disposed off;

(ii) It is directed that the applicant shall be released on bail in Crime No.332 of 2021 registered with Yerwada Police Station, District Pune, for the offences punishable under Sections 307, 395, 452, 504, 506, 427, 201, 188 of Indian Penal Code r/w Section 4(25) of Arms Act r/w Sections 37(1), 135, 142 of Maharashtra Police Act r/w Sections 3, 7 of Criminal Law Amendment Act r/w Section 3 of Epidemic Diseases Act r/w Section 51(B) of disaster Management Act r/w Section 11 of Maharashtra Covid 19 Regulations Act and u/s.3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime Act, 1999 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 territorial jurisdiction of

Pune District till conclusion of trial except for trial;

(iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 10.00 a.m and 11.00 a.m till conclusion 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 to apply for cancellation of bail if the applicant misuses the liberty granted or commits breach of any condition;

(vii) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)

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