

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

CRIMINAL BAIL APPLICATION NO. 1736 OF 2024

Rutvij Subhash Jadhav ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Rahul Dhaigude a/w Ms. Ekta Patil, Advocate for the Applicant.

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

Mr. Malik M.D. PSI, Chikhali Police Station, Pune, present.

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CORAM : ANIL S. KILOR, J.
DATE : 4th JULY, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.346 of 2023, registered with Chikhali Police Station, District: Pimpri-Chinchwad for the offences punishable under Sections 302, 120-B of Indian Penal Code (for short 'IPC'), Sections 4, 25 of Arms Act, 1959 and Sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime Act, 1999 (for short 'MCOC Act').
3. Having gone through the charge-sheet and considering the material collected by the Investigating Officer during the

investigation, it is evident that the only material against the Applicant is that he was seen in the CCTV footage on 4th June, 2023 with the co-accused persons, whereas the incidence took place on 22nd May, 2023. Moreover, in the statements of the eye witnesses, they have referred to two assailants, whereas, the offence came to be registered against 13 Accused persons including the Applicant who is the Accused No.12.

4. There are no antecedents against the Applicant or there is no evidence to show that the Applicant is a member of the gang. In the above referred facts and circumstances, though the provisions of MCOC Act have been invoked in the present matter, I am of the opinion that in absence of any evidence against the Applicant, the Applicant is entitled for grant of bail.

5. Accordingly, though the learned APP is strongly opposing the application, I pass the following order;

ORDER

- i. Criminal Bail Application No.1736 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.346 of 2023, registered with Chikhali Police Station, District: Pimpri-Chinchwad for the offences

punishable under Sections 302, 120-B of IPC, Sections 4, 25 of Arms Act, 1959 and Sections 3(1)(ii), 3(2), 3(4) of MCOC Act, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

iii. The Applicant shall attend the Police Station on 1st and 16th day of each month between 12:00 noon to 2:00 p.m. till conclusion of trial;

iv. 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;

v. Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)