

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2008 OF 2024

Rushikesh Balu Rokade, Age 25 years,
Occ.Business, R/o.At Chakan, Tal.Khed,
Dist.Pune (Presently at Yervada Prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Shailesh Chavan, Advocate for Applicant.

Mr.Pankaj P.Deokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 28th August 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.578 of 2021 registered with Chakan Police Station, District Pune, for the offences punishable under Sections 302, 120-B, 201, 216, 143, 147, 148, 149 of the Indian Penal Code r/w Section 4 r/w S.25 and 27 of Arms Act r/w Sections 37 and 135 of Maharashtra Police Act r/w Sections 3(1) (i), (ii), 3(4) of Maharashtra Control of Organized Crime Act, 1999.

3. The only allegation in the present case against the Applicant is that he has given shelter and food to the co-accused. This Court has granted bail to one of the co-accused Anil Shantaram Shinde against whom allegations are that he gave shelter to the co-accused and food and the the motorcycle used by the co-accused to flee away. It is

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evident from the charge sheet that there is no direct evidence against present Applicant that he was present at the time of incidence and further no role is attributed against the Applicant. In the circumstances there is reasonable ground to believe that Applicant is not guilty of the alleged offence.

4. Applicant is in jail from last more than three years and in the mean time charge sheet has been filed. Furthermore, the pace with which the trial is proceeding there is no end to the trial in the sight. Learned APP though strongly opposing the application, I am of the opinion that this is fit case for grant of bail. Hence, 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.578 of 2021 registered with Chakan Police Station, District Pune, for the offences punishable under Sections 302, 120-B, 201, 216, 143, 147, 148, 149 of the Indian Penal Code r/w Section 4 r/w S.25 and 27 of Arms Act r/w Sections 37 and 135 of Maharashtra Police Act r/w Sections 3(1)(i), (ii), 3(4) of Maharashtra Control of Organized Crime Act, 1999 on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend Chakan Police Station, Nashik, on every 1st and 16th of every month between 10.00 a.m and 12.00 noon till conclusion of trial, except on the date 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.

(ANIL S.KILOR, J.)

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