

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

CRIMINAL BAIL APPLICATION NO. 2033 OF 2024

Chetan Chandrakant Pawar ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Kuldeep U. Nikam with Mr. Om Latpate and Rohit Karanjwane,
Advocate for Applicant.

Ms. Poonam Bhosale, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 30th 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. 191 of 2021 registered with Warje Malwadi Police Station, Pune, for the offences punishable under Sections 307, 387, 120-B read with Section 34 of the Indian Penal Code, 1860, Section 3/25 Of Arms Act, 1959 and Sections 37(1) read with Section 135 of Maharashtra Police Act, 1951 and Sections 3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organised Crime Act, 1999.

3) The applicant is in jail from last more than three years and having gone through the charge-sheet and the relevant material collected by the Investigating Officer, it is evident that though it is argued that the accused fired one round on the informant who then successfully ran away from the spot, it appears that thereafter the accused fired five rounds in the air. The pistol was allegedly used by the applicant, however, two pistols were recovered from the accused Nos. 2 and 4. Even from the CCTV footage, it is not clear who was driving the motorcycle and who was the pillion rider and who fired.

4) In the circumstances, though the learned APP is strongly opposing the application, considering the period of incarceration of the applicant and the fact that the charge-sheet has been filed, I am of the opinion that this is a fit case for grant of bail with certain stringent conditions. As far as the antecedents are concerned, out of three, in two offences, he has been acquitted.

5) In that view of the matter, the application is allowed.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 191 of 2021 registered with Warje Malwadi Police Station, Pune, for the offences punishable under Sections 307, 387, 120-B read with Section 34 of the Indian Penal Code, 1860, Section 3/25 Of Arms Act, 1959 and Sections 37(1) read with Section 135 of Maharashtra Police Act, 1951 and Sections

3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organised Crime Act, 1999, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Pune City till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date 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 cancellation of bail if the applicant commits similar offence.;

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

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]