

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

CRIMINAL BAIL APPLICATION NO. 2571 OF 2024

Pappu @ Suhas Kisan Sonwalkar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Nagesh Khedkar, Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 18th NOVEMBER, 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.625 of 2020 registered with Phaltan Rural Police Station, Satara for the offences punishable under Sections 307 and 353 read with Section 34 of the Indian Penal Code, 1860, Section 3/25 of the Arms Act, 1959 and Sections 3(1)(ii) 3 (2) and 3(4) of Maharashtra Control of Organised Crime Act, 1999 ('MCOC Act').
- 3) It is argued that the applicant was driving the motorcycle and the co-accused was the pillion rider who fired a round from a pistol on the police staff. It is argued that the applicant is not the one who fired. It is

submitted that nothing has been recovered from him. He therefore prays for grant bail.

4) On the other hand, the learned APP pointed out that in this case, the provisions of MCOC have been invoked against the applicant and there are five offences against the applicant, which are common with the gang, including the present offence.

5) In the above-referred backdrop, having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that there is sufficient evidence to show that the applicant is a member of the syndicate. There are offences including the present one against the applicant, which are common with the gang. Furthermore, there are statements of the members of police staff, who were present when a round was fired on them from a pistol by the co-accused i.e. accused No. 1.

6) In the circumstances, since there is sufficient incriminating material against the applicant, it cannot be said that there is a reasonable ground to believe that the applicant is not guilty of the present offence and further considering the fact that there are antecedents against the applicant, it cannot be said that if the applicant is released on bail, he will be available for trial.

7) In the circumstances, the application is rejected and disposed of.

8) At this stage, the learned Counsel for the applicant seeks liberty to move afresh.

9) Liberty is granted to move afresh in case of a change in circumstances.

[ANIL S. KILOR, J.]