

IN THE HIGH COURT OF JUDICATURE AT BOMBAYCRIMINAL APPELLATE JURISDICTIONCRIMINAL BAIL APPLICATION NO. 2826 OF 2024

Nikhil Bibhishan Lagade ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Satyavrat P. Joshi a/w Yash G. Fadtare, Advocate for Applicant

Shri Pankaj P. Deokar, APP for the State.

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CORAM : ANIL S. KILOR, J.

DATED : SEPTEMBER 04, 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.264 of 2024, registered with Parvati Police Station, District: Pune for the offences punishable under Sections 307, 326, 323, 504, 506, 143, 144, 147, 148, 149 of the Indian Penal Code, Sections 4(25) of the Indian Arms Act, Sections 37(1), 135 of the Maharashtra Police Act, Section 7 of the Criminal Law Amendment Act and Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ("MCOC Act" for short).

3. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that though the applicant was present at the spot, there are no allegation of any overtact against the applicant, whereas, the co-accused Balli Waghmare and Ganesh Waghmare assaulted the informant. Moreover, considering the injury mentioned in the Injury Certificate, it is doubtful whether Section 307 of the Indian Penal Code would attract in this case.
4. The applicant is in jail from last one year and in the meantime, charge-sheet has been filed.
5. Thus, considering the nature of allegations and the material collected by the Investigating Officer against the applicant, though the provisions of the MCOC Act have been invoked, it appears that two cases registered against the applicant in past, one was under the Indian Arms and another was under Section 324 of the Indian Penal Code, were not the basis for invocation of the provisions of the MCOC Act.
6. In the above referred circumstances, though the learned APP is strongly opposing the application and has expressed that if the applicant is released on bail he may commit the similar offences, I am of the opinion that by imposing certain stringent conditions the applicant may be released on bail as his further custody is not required.

7. At this stage, the learned counsel for the applicant, on instructions, submits that the applicant is ready to abide by any condition, including not to enter into Pune District.
8. In view of the above, I am of the opinion that the applicant is entitled for grant of bail. Hence, I pass the following order:
- i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.264 of 2024, registered with Parvati Police Station, District: Pune for the offences punishable under Sections 307, 326, 323, 504, 506, 143, 144, 147, 148, 149 of the Indian Penal Code, Sections 4(25) of the Indian Arms Act, Sections 37(1), 135 of the Maharashtra Police Act, Section 7 of the Criminal Law Amendment Act and Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
 - iii) The applicant shall not enter the territorial jurisdiction of Pune District till conclusion of the trial, except for attending the trial.
 - iv) The applicant shall provide his address and name of the nearby Police Station to the Investigating Officer which he shall attend on first and sixteenth day of every month

between 10:00 a.m. and 11:00 a.m., till conclusion of the trial, except on the date of the 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 commits similar offence or breaches any condition for grant of bail.
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)