

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

CRIMINAL BAIL APPLICATION NO. 2895 OF 2024

Aditya Sudhir Jadhav

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Bhushan Raut with Rohit Karanjawane, Advocate for Applicant.
Mrs. Veera Shinde, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 4th SEPTEMBER, 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. 371 of 2022, registered with Shahupuri Police Station, Pune, for the offence punishable under Sections 307, 326, 387, 341, 143, 147, 148 and 149 of the Indian Penal Code, 1860, Section 4/25 of Arms Act, 1959 and Sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act, 1999 and Sections 37(1)(3) read with Section 135 of Maharashtra Police Act, 1951.

3) Though the provisions of the MCOC Act, 1999 have been invoked against the applicant, no evidence is there to prima facie show that the applicant is the member of the syndicate, particularly in the backdrop that there are no antecedents against the applicant. Moreover, the victim has not identified the applicant during the Identification Parade and as far as the CCTV footage is concerned, there is no transcription of such CCTV footage.

4) Furthermore, none of the witnesses has attributed any role to the applicant. No doubt that the offence is registered under Section 149 of IPC and therefore, the role in unlawful assembly is immaterial. However, as the victim failed to identify the applicant and there is no transcription of the CCTV footage, there is a reasonable ground to believe that the applicant is not involved in the alleged offence and further as there are no antecedents, there is possibility that the applicant would commit the similar offence, I am of the opinion that the applicant is entitled for grant of bail. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 371 of 2022, registered with Shahupuri Police Station, Pune, for the offence punishable under Sections 307, 326, 387, 341, 143, 147, 148 and 149 of the Indian Penal Code, 1860, Section 4/25 of Arms Act, 1959 and Sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act, 1999 and Sections 37(1)(3) read with Section 135 of Maharashtra Police Act, 1951, 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 Satara 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 and 16th day of every month between 10.00 am, to 11.00 am, 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.]