

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3903 OF 2024

1. Shivilal @ Shivaji Baliram Rathod, Age 42 years,
R/o.Madiyal Tanda, Tal.Aaland,
District Gulbarga, Karnataka.
2. Swapnil Vishwas Patil, Age 31 years,
R/o.G-305, Dwarkavishwa Society,
Indrayani Nagar, Bhosari, Pune.
(Presently in Yerwala Central Prison) Applicants
versus
The State of Maharashtra Respondent

Ms.Racheeta R.Dhuru with Mr.Rohit P.Patil and S.K.Kar, Advocates for Applicants.

Ms.PP.Bhosale, APP, for State.

PSI C.R.Morkhande, Chakan Police Station, present.

CORAM : ANIL S.KILOR, J.

DATE : 16th October 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.550 of 2024 registered with Chakan Police Station, Pimpri Chinchwad, for the offences punishable under Sections 4(B) of Explosives Act and u/s.287 of Bhartiya Nyay Samhita, 2023.

3. Having gone through the case diary as the investigation is going on, it appears that Applicants are labourers and they were employed by accused no.1. It is further prima facie evident that

recovered detonators are not belonging to the Applicants but alleged to have carried by them on the direction of accused no.1, when the police intercepted them and recovered from them.

4. Thus considering the role of the Applicants I am of the view that further custody of the Applicants is not required. Furthermore there are no antecedents against Applicants. In the circumstances though learned APP is strongly opposing the application, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicants shall be released on bail in Crime No.550 of 2024 registered with Chakan Police Station, Pimpri Chinchwad, for the offences punishable under Sections 4(B) of Explosives Act and u/s.287 of Bhartiya Nyay Samhita, 2023 on furnishing P.R.Bond of Rupees Twenty Five Thousand each with one solvent surety in the like amount;
- (iii) The Applicants shall attend Chakan Police Station, Pimpri Chinchwad, on every 1st and 16th of every month between 10.00 a.m and 11.00 a.m till conclusion of trial, except on the date of trial;
- (iv) The Applicants 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 Applicants breach any condition or misuses the liberty or commits similar offence;
- (vi) The Applicants 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.)

MST