

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

**CRIMINAL BAIL APPLICATION NO.4082 OF 2023**

Anil Raghunath Birdavde .... Applicant

V/s.

State of Maharashtra .... Respondent

NILAM  
SANTOSH  
KAMBLE

Digitally signed  
by NILAM  
SANTOSH  
KAMBLE  
Date: 2025.04.24  
14:40:56 +0530

----

Ms.Shubhangi Parulekar, for the Applicant.

Mr.Sahahji Shinde 'B' panel a/w Mr.Prasanna P. Malshe, APP, for  
Respondent-State.

----

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 21<sup>st</sup> APRIL 2025**

**P.C:-**

. By this Application, Applicant is seeking regular bail in Crime No.579 of 2022 registered with Vijapurnaka Police Station, Solapur, for the offences punishable under Sections 392 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ('MCOC Act' for short).

2. It is prosecution's case that, on 20<sup>th</sup> November 2022 around 11.15 a.m. when Complainant had gone to bring the milk in the Court yard of her house, at that time, two unknown

persons came there and snatched her gold chain and ran away on motorcycle. It is alleged that, the Applicant had made rekee of house of the first informant and informed to the co-accused.

3. It is contention of learned counsel for the Applicant that, the Applicant is behind bar more than three years. Yet there is no progress in trial. The Allegations against the Applicant's are that, he had done rekee of the spot and provided information to the other co-accused who had snatched the gold chain from neck of the first informant. The Applicant has not been identified in the Test Identification Parade. Hence, requested to allow the Application.

4. It is contention of learned APP that, the Applicant is habitual offender and about 15 cases of same nature has been registered against the Applicant. The Applicant is identified in TI Parade. The motorcycle used by the Applicant is recovered at the instance of the Applicant. If Applicant released on bail he may abscond or he may threatened prosecution witnesses. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused charge-sheet.
6. The allegations against the Applicant are that, he had done rekee of the first informant's house and provided information to the co-accused who snatched the gold chain from the neck of the first informant. At the time of the incident the Applicant was not present at the incident spot. The Applicant is behind bar more than three years. Yet there is no progress in the trial. To prove the role of the Applicant in the crime evidence is required.
7. Considering these facts, I pass following order.

### **ORDER**

- (i) The Applicant-Anil Raghunath Birdavde be released on bail in Crime No.579 of 2022 registered with Vijapurnaka Police Station, Solapur, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

- (iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Applicant shall give attendance before the Investigating Officer as and when required.
- (v) Application is allowed in the aforesaid terms.

**(SHIVKUMAR DIGE, J.)**