

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 4174 OF 2023**

Rohidas @ Bapu Anant Chorge

... Applicant

Versus

State of Maharashtra

... Respondent

.....
Mr. Shailesh S. Kharat a/w. Mr. Abhishek, Advocates for the Applicant.
Mr. Vinod Chate, APP for the State.

CORAM : SHIVKUMAR DIGE, J.**DATED : 20th JANUARY, 2025.****P.C. :**

1. By this application, applicant is seeking regular bail in C.R.No. 44 of 2019 registered with Bhuinj Police Station, District Satara for the offences punishable under Sections 307, 326, 143, 147, 148, 149 of Indian Penal Code and Sections 3, 5 read with 25 of Arms Act a/w. Sections 37(1)(3) read with 135 of Bombay Police Act along with Sections 3(1)(ii) and 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2. It is prosecution's case that applicant and co-accused Sopan were desirous of running one shift of the Khed-Shivapur toll naka and they approached Mr. Vikas Shinde for permission. However, Mr. Vikas refused proposal of the applicant and co-accused, hence they had grudge against Mr. Vikas.

3. It is alleged that on 25.03.2019 at around 1.00 a.m. the first informant Pandurang along with his colleagues were doing their job at toll plaza situated at Pune-Satara highway within the limits of Virumde village, at that time one white coloured Swift car bearing No. MH-12/NJ-302 came to toll booth No.1 and tried to escape without paying toll amount. When toll booth employees intercepted the said vehicle, the persons sitting in that car called the applicant and co-accused, they came in two different cars and they fired at the toll booth employees with intention to kill them. It is alleged that applicant was present at the spot and he is the gang leader.

4. It is contention of learned counsel for the applicant that the applicant is behind bar more than 5 years six months yet charge has not been framed against him. Medical condition of the applicant is very serious. The role attributed to the applicant that at the time of crime he was present. The allegations of firing from pistol are made against the co-accused Sopan. Considering the allegations against the applicant and medical conditions of the applicant, requested to allow the application.

5. It is contention of learned APP that applicant is a gang leader. The applicant has antecedents. Eight criminal cases have been registered against him. The applicant and co-accused had fired at the employee of toll booth with intention to kill them. The applicant is seen in CCTV footage. There are eye witnesses to the incident. There is direct involvement of the applicant in the crime. If applicant is released on bail

he may threaten prosecution witnesses hence requested to reject the application.

6. I have heard both the learned counsel. Perused charge-sheet. It is contention of learned counsel for the applicant that applicant has been acquitted from the other offences registered against him. It appears from the supplementary statement of first informant, Pandurang dated 04.04.2019 that he mistakenly mentioned in the FIR that the applicant had fired at employees of toll booth but it was not applicant and it was co-accused Sopan. He has stated that at the time of incident applicant was present. In my view, allegations of fire from pistol is against the co-accused. The role attributed to the applicant that he was present at the time of incident along with co-accused and he is the gang leader. To prove the role of the applicant in the said crime, the evidence is required. The applicant is behind bar more than 5 years 6 months. Yet charge has not been framed against the applicant. It may take time to conclude the trial. The applicant's medical condition is not good. Considering these facts, I am inclined to allow the application and I pass following order.

ORDER

- i. The applicant be released on bail in C.R.No. 44 of 2019 registered with Bhuij Police Station, District Satara, on executing P.R.Bond of Rs.50,000/- on furnishing one or two sureties of the like amount.
- ii. The applicant shall attend the concerned police station

once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

- iii. The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- iv. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- v. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

7. The application is allowed and disposed of in the above terms.

(SHIVKUMAR DIGE, J.)

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