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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4312 OF 2024

Avdhut Sunil Panbude

.....Applicant

Vs.

The State of Maharashtra

.....Respondent

Mr. Kedar J. Patil a/w Mr. Sachin Mane, Mr. Pratik G. Tare, Mr. Shubham Patil

Ms. Veera Shinde APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st AUGUST 2025

P.C.:

1. By this application, applicant is seeking regular bail in C.R. No. 443 of 2023 registered with Vishrambaug Police Station, District Sangli for offences punishable under Sections 302, 120(B), 201, 385, 143, 144, 147, 148, 149, 504, 506, 212 of the Indian Penal Code, under Sections 3, 4, 25 and 27 of the Indian Arms Act and under Sections 3(1)(i), 3(1)(ii), 3(2), 3(4), 4 of the Maharashtra Control of Organised Crime Act (For short 'MCOCA Act')

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2. It is the prosecution's case that on 17th June 2023 at 8.00 p.m., deceased Nalsaab was murdered by co-accused by firing at him and assaulting with sword. He died on the spot. At the time of incident, first informant was present at the spot of incident. It is alleged that accused no. 4 used the sim card when he was in jail and the same sim card was destroyed by him but remains of that sim card were recovered by the police. The said sim card stands in the name of the applicant.

3. It is the contention of learned counsel for applicant that applicant had not participated in the murder of deceased Nalsaab. The allegation against the applicant is that the sim card which was used by accused no. 4 was in the name of the applicant except that there are no allegations against the applicant. Applicant is behind the bar for more than 2 years, yet the charge is not framed. There is no progress in trial. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant has one antecedent. Provisions of MCOC Act are applied against him. Applicant has provided sim card to accused no. 4 which was used in the present crime, contacted the co-accused and hatched

conspiracy. It shows involvement of the applicant in the crime. If applicant is released on bail, he may threaten prosecution witnesses and requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record. The allegations against the applicant are that accused no. 4 used the sim card which was in the name of the applicant. There are no allegations against the applicant that he had participated in the crime. applicant is behind the bar for more than 2 years. There is no progress in trial.

6. Considering these facts, further detention of applicant is not required and I pass following order :

ORDER

I. Application is allowed.

II. Applicant be enlarged on bail in C.R. No. 443 of 2023 registered with Vishrambaug Police Station, District Sangli on executing PR.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

III. Applicant shall not tamper with the evidence or attempt to influence or contact the witnesses or any person

concerned with the case.

IV. Applicant shall attend Vishrambag Police Station, District Sangli once in a week on every Monday between 11.00 a.m. to 1.00 p.m. till framing of charge.

V. Applicant shall attend the Trial Court dates, regularly.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]