

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1349 OF 2024

Pravin Mahadev Helkar

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Sugand Zende a/w. Mr. Rajesh Poojari, Advocates for Applicant.
- Mr. R. M. Pethe, APP for Respondent – State of Maharashtra.
- Mr. Vishal S. Zagade, PSI, Borivali Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 04, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Zende, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent – State of Maharashtra.
- 3.** This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with First Information Report No.667 of 2019 registered with Borivali Police Station for offences punishable under Sections 363, 394, 34, 364(A) of Indian Penal Code, 1860 (for short 'IPC') and Section 3(1)(ii), 3(2), 3(4) and 3(5) of Maharashtra Control of Organised Crimes Act, 1999 (for short 'MCOCA').
- 4.** Mr. Zende informs the Court that Applicant is arraigned as Accused No.1 and is in incarceration for the past four years and 10

months. On 13.09.2024 this Court had passed an order directing Respondent to file Affidavit-in-Reply, considering that indictment of Applicant is under MCOCA.

5. *Prima facie*, it is seen that Applicant is the gang leader having 35 antecedents against him according to instructions received by learned APP. However Mr. Zende would submit that as stated in the charge-sheet there are only 14 antecedents against Applicant.

6. Trial in the case has already commenced. 10 witnesses have been examined till date according to the instructions of learned APP. According to Mr. Zende only 7 witnesses have been examined. APP shall inform the Court as to how many witnesses are desired to be examined by the prosecution further.

7. Respondent is directed to file its Affidavit-in-Reply positively within a period of two weeks from today.

8. Stand over to **18th February, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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