

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2581 OF 2024

Rahul A. Gupta

...Applicant

V/s.

State of Maharashtra

...Respondent.

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Mr. Mandar Goswami a/w. Mr.Siddhant Choudhari for the Applicant.
Mr. Vinod Chate, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 21.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.242 of 2023 registered at Ambad Police Station, Nashik for the offences punishable under Sections 307, 109, 114, 120B, 201, 385 of the Indian Penal Code and Section 3 (1) read with 25 of the Arms Act and Sections 3(1)(ii), 3(2) & 3(4) of the Maharashtra Control of Organized Crime Act.
3. According to the prosecution the present applicant is a member of organised crime syndicate formed by Kiran Shelke. It is alleged that there was enmity between victim and certain gang members. It is alleged that, thus, on the date of incident which took place on 16.04.2023 they tried to kill him by shooting him with a country-made pistol.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record the copy of order passed by this Court dated 27.11.2024 in Criminal Bail Application No. 1859 of 2024. By the said order, this Court has released the co-accused Kishor Wakode on bail. Learned counsel for the applicant submits that the allegations against the said co-accused Kishor Wakode and the present applicant are identical.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in three more crimes of serious nature. It is submitted that the applicant therefore may not be released on bail.

7. I have perused the charge-sheet. The allegations against the present applicant and the co-accused Kishor Wakode appear to be similar. As this Court has granted bail to the co-accused Kishor Wakode against whom also there are criminal antecedents and thus I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 242 of 2023 registered at Ambad Police Station, Nashik for the

offences punishable under Sections 307, 109, 114, 120B, 201, 385 of the Indian Penal Code and Section 3 (1) read with 25 of the Arms Act and Sections 3(1)(ii), 3(2) & 3(4) of the Maharashtra Control of Organized Crime Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into limits of Nashik District, till the conclusion of the trial.

D] The applicant shall provide his residential address and name of the nearby police station to the investigating officer and he shall attend the said Police Station on 1st day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;

E] The applicant 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;

F] Liberty is granted to the State to apply for cancellation of bail in case of breach of any of the above condition or if the applicant commits any other crime;

[N.R.BORKAR, J.]