

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2673 OF 2024**

Raju @ Raj Ram Boke ... Applicant
versus
The State of Maharashtra Respondent

Mr. Kuldeep S. Patil along with Mr. Nagesh S. Khedkar, Mr. Prathmesh Bankar and Ms. Sampada Patil, Advocate for the Applicant.
Mr. Sameer M. Mangaonkar, APP for Respondent-State.
Mr. D. V. Shinde, PSI, Phaltan City Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd MARCH, 2025.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No.222 of 2021 registered with Phaltan City Police Station, Satara, for offences punishable under Sections 392, 394, 120-B read with Section 34 of the Indian Penal Code 1860 (for short "the IPC"), Section 3(25) of the Arms Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act (for short "the MCOCA").

2. It is prosecution's case that on 16th May 2021 around 4.00 pm, when the first informant and her friend were sitting near Banganga Riverside, three unknown persons robbed them and took away gold ornaments of the first informant. It is alleged that accused Nos. 1, 2 and 3 robbed the first informant and the present applicant had provided

**SHUBHADA
SHANKAR
KADAM**

Digitally signed by
SHUBHADA
SHANKAR KADAM
Date: 2025.03.04
19:08:51 +0530

information about the whereabouts of the first informant and her friend to accused Nos.1, 2 and 3.

3. It is contention of learned counsel for the applicant that the applicant is behind bar for more than 3 years 10 months, yet there is no progress in the trial. Learned counsel further submitted that the role attributed to the applicant is of conspiracy. There are 9 antecedents against the applicants, out of which, he has been acquitted from 6 offences and remaining three offences are under different sections of IPC and not under Section 392 of the IPC. Learned counsel further submitted that those offences are not registered with gang leader. Considering the incarceration period of the applicant, he be released on bail and requested to allow the application.

4. Learned APP submitted that the applicant is an habitual offender, he is involved in several cases. He had informed accused Nos.1, 2 and 3 about the whereabouts of the first informant and her friend. On information provided by the applicant, the first informant and her friend were robbed by accused Nos.1, 2 and 3. The gold chain of the first informant is recovered at the instance of the applicant. The provisions of MCOCA are applied against the applicant. If the applicant is released on bail, he may abscond. The bail application of the co-accused has been rejected by this Court. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the charge-sheet. The allegations against the applicant are of conspiracy. The gold chain of

the first informant is recovered at the instance of the applicant. The applicant is behind bar for more than 3 years and 10 months. Though last witness is examined by prosecution before one year, but thereafter, no witness has been examined by prosecution. As role of the applicant is of conspiracy, to prove it, evidence is required. Considering these facts, his further detention is not required and I pass following orders :

ORDER

- (i) The applicant be enlarged on bail in Crime No.222 of 2021 registered with Phaltan City Police Station, Satara, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till conclusion of trial.
- (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.

The application is allowed in the aforesaid terms and is accordingly

disposed off.

6. 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.

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

(SHIVKUMAR DIGE, J.)