

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2688 OF 2024

Prathmesh D. Kamble

...Applicant

V/s.

The State of Maharashtra

...Respondent.

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Mr. Shailesh S. Kharat a/w. Mr. Tanmay T. Kate for the Applicant.
Mr. V.A. Kulkarni, APP for the Respondent/State.
API Somnath T., Bhosai Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 03.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.580 of 2023 registered at Bhosari Police Station for the offences punishable under Sections 397, 394, 427, 504, 506 read with 34 of the Indian Penal Code, Section 4 read with 25 of the Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act and Section 3(1) (ii) & 3(4) of the Maharashtra Control of Organized Crime Act.
3. According to the prosecution, the present applicant is a member of the organized crime syndicate formed by co-accused Sudarshan Rakshe. It is alleged that on the date of incident which took place on 13.7.2023, the present applicant and the other co-accused came to the hotel of the complainant and ordered certain

non-vegetarian items. It is alleged that the complainant told them that there is a Akadashi and thus said non-vegetarian items cannot be made available to them. It is alleged that they got annoyed and assaulted the complainant and employees working in his hotel by iron rod etc. and robbed them of Rs.8,000/-.

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

5. Learned counsel for the applicant submits that the applicant is in jail for about one and half years. It is submitted that the main allegations are against the co-accused Karan Rathod. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in one more crime. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of injured witness. The main allegations are against the co-accused. The applicant is in jail for about one and half years and the trial is still at the stage of framing of charge. Considering overall facts and circumstances of the case, 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. 580 of 2023 registered at Bhosari Police Station for the offences punishable under Sections 397, 394, 427, 504, 506 read with 34 of the Indian Penal Code, Section 4 read with 25 of the Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act and Section 3(1) (ii) & 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 attend the concerned police station twice in a month, i.e., on 1st and 3rd Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not commit any other crime.

E] It would be open for the prosecution to file an application for cancellation of bail, if the applicant commits breach of any of the above conditions.

[N.R.BORKAR, J.]