

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3126 OF 2024

Kunal @ Baba Dhiraj Thakur ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Ravishankar B. Thombare i/b Adv. Paras Yadav for the Applicant.
Mr. S.S. Choudhari, APP for the Respondent/State

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CORAM : N.R. BORKAR, J.
DATE : 18.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 400 of 2022 registered at Talegaon Dabhade Police Station, Pune for the offences punishable under Sections 307, 324, 143, 144, 147, 148, 149 of the Indian Penal Code, Section 4 read with 25 of the Arms Act, Section 37(1) read with 135 of the Maharashtra Police Act and Sections 3(1)(ii) and 3(4) of the Maharashtra Control of Organized Crime Act.
3. According to the prosecution, there was enmity between the complainant and the present applicant, who is a gang leader. It is alleged that due to said enmity on the date of alleged incident, which took place on 8.9.2022, the present applicant and other co-accused (members of his gang) assaulted the complainant and his

other friends by sharp weapons and attempted to commit their murder.

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 trial Court has released all other co-accused on bail. It is submitted that the applicant has nothing to do with the alleged crime and he was not present at the time of alleged incident. It is submitted that the applicant is in jail for more than 2 and ½ years and the trial has not commenced. It is submitted that in the alleged incident, nobody had sustained grievous injuries. 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 four more crimes. It is submitted that after committing the present crime, he was absconding and while absconding committed another crime being Crime No.479 of 2022 registered at Talegaon Dabhade Police Station for the offences under Sections 302, 143, 144, 147, 148, 149, 506, 120(B) of the IPC, 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)(i)(ii) and 3(4) of the MCOC Act. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. I have perused the statements of eye-witnesses. They have attributed specific role to the present applicant. At the time of incident, the applicant was armed with koyta. It appears that the applicant was absconding after committing the present crime and while absconding committed another crime for serious offences of murder. In that view of the matter, I am not inclined to release the applicant on bail. Hence, the Application stands rejected.

[N.R.BORKAR, J.]