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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3992 OF 2024

Pappu Rajbali Dubey	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr.Mohammad S. Mulla for the Applicant.

Ms.Pallavi N. Dabholkar, A.P.P. for the State-
Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 26, 2025

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, whereby the Applicant is seeking regular bail in connection with Crime Register No.230 of 2019 registered with Detection of Crime Branch (D.C.B.), Criminal Investigation Department (C.I.D.), Anti-Extortion Cell (A.E.C.), Mumbai. The Applicant is facing prosecution for serious offences punishable under Sections 307 (attempt to murder), 452 (house trespass after preparation for hurt), and 120B (criminal conspiracy) of the Indian Penal Code, 1860; Sections 3, 5, 25, and 27 of the Arms Act, 1959; Sections 37(1)(a) and 135 of the Maharashtra Police Act; and Sections 3(1)(ii), 3(2), and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act).

2. The case of the prosecution is that Accused No.4 – Sagar – attempted to commit murder of the informant by firing a gunshot at him, thereby causing grievous injuries. Accused No.4 was immediately caught by the mob that had gathered at the scene of offence. The prosecution alleges that the said act was not an isolated incident but part of a larger conspiracy executed by an organised crime syndicate, which is allegedly being run by the absconding accused – Prasad Pujari – and includes the present Applicant and other co-accused. The crime is said to have been committed in furtherance of the common object of the organised crime syndicate.

3. Learned Advocate for the Applicant submits that the role attributed to the present Applicant is limited and does not involve any direct participation in the act of firing. It is submitted that the only allegation against the Applicant is that he was in telephonic contact with the main accused – Prasad Pujari (Accused No.1) – and Accused No.3 – Umesh Shetty. Learned Advocate has placed reliance on the orders passed by this Court in Bail Application No.463 of 2024 and Bail Application No.1015 of 2024 dated 09/04/2025, wherein bail has been granted to Accused No.3. It is pointed out that the allegations against Accused No.3 are more serious in nature, inasmuch as he is alleged to have arranged accommodation for Accused No.1 and accompanied him at the time of the incident. It is, therefore, submitted that the present Applicant is entitled to be released on the ground of parity, particularly when the co-accused with a more active role has already been enlarged on bail by this Court.

4. On the other hand, learned Additional Public Prosecutor (A.P.P.) opposes the application and submits that the role attributed to the Applicant is not identical to that of the co-accused who has been granted bail. It is submitted that the investigation has revealed that the Applicant was in close contact with key conspirators and was an active member of the syndicate. The A.P.P. contends that the MCOC Act has been rightly invoked and that the nature and gravity of the offence, coupled with the larger conspiracy of the organised crime syndicate, disentitles the Applicant from being granted bail.

5. I have carefully considered the submissions advanced by the learned counsel for the Applicant as well as the learned A.P.P. I have also perused the material placed on record, including the charge-sheet and the orders passed by this Court in respect of the co-accused.

6. It is not in dispute that the principal allegation of firing upon the informant is attributed to Accused No.4 – Sagar – who was apprehended at the spot. So far as the present Applicant is concerned, the allegation is that he was in telephonic contact with the main accused – Prasad Pujari – and Accused No.3 – Umesh Shetty. There is no material on record to suggest that the Applicant was present at the scene of offence or had directly participated in the act of assault or shooting.

7. It is pertinent to note that co-accused No.3 – Umesh Shetty – who is alleged to have actively facilitated the offence by providing shelter to the main accused and accompanying him at the time of

incident, has been granted bail by this Court by order dated 09/04/2025 in Bail Application No.1015 of 2024. The role of the present Applicant appears to be on a similar, if not lesser, footing when compared to that of Accused No.3. The prosecution has not brought on record any substantial distinguishing factor to justify a departure from the principle of parity in the present case.

8. In the present case, the charge-sheet has already been filed, and the custodial interrogation of the Applicant is no longer required. The Applicant has been in custody since his arrest in connection with the present offence. The trial is yet to commence and may take substantial time to conclude. There is no material to suggest that the Applicant has misused the liberty or attempted to tamper with evidence or influence witnesses during investigation.

9. In such circumstances, considering the principle of parity, the nature of allegations, and the stage of trial, I am of the opinion that the Applicant has made out a case for grant of bail.

: ORDER :

(a) The Application is allowed.

(b) The Applicant is directed to be released on bail upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:-

(i) The Applicant shall not tamper with the evidence or attempt to influence any witness.

- (ii) The Applicant shall report to the Investigating Officer on first Monday of every month between 10.00 a.m. and 12.00 noon for a period of three months.
- (iii) The Applicant shall appear before the Trial Court on every date of hearing, unless prevented by sufficient cause.
- (iv) The Applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- (v) The Applicant shall not indulge in any criminal activity during the pendency of the trial.
- (vi) Breach of any of the above conditions shall entail cancellation of bail.

(AMIT BORKAR, J.)