

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4001 OF 2024

Yogesh @ Sam Jagadish Sonawane ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Niranjan Bhavake a/w Ms. Drishti Madhani, Ms. Krupa Hasurkar, Mr. Anurag Ramekar i/b Mr. Sushant Jagadish Tayade, learned Advocates for the Applicant.

Mr. Pandurang H. Gaikwad, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th AUGUST 2025.

P.C. :

1. Heard Mr. Niranjan Bhavake, learned Advocate for the Applicant and Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 401 of 2023 registered with Khadki Police Station, District-Pune for the offences punishable under Section 392 read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short) and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 (“**MCOC Act**” for short).

3. Mr. Niranjan Bhavake, learned Advocate for the Applicant

submits that the abovesaid crime is registered as Special Case No. 522 of 2024 and is pending on the file of Special Judge under MCOC Act, Pune.

4. There are 2 accused persons in the present crime. Applicant is Accused No. 2, whereas Rahul Macchindra Kamble is Accused No. 1.

5. Case of the prosecution is that Complainant Smt. Kavita Rahul Dudhane while proceeding on old Pune-Mumbai Highway, was followed by two unknown persons on a motor vehicle (Access Moped). Said two unknown persons snatched away the gold mangulsutra worth Rs. 45,000/- worn by the Complainant and fled from the site.

6. Applicant was arrested on 8th November 2023, since then he is in jail. Criminal Bail Application at Exhibit-3 fled by the Applicant in Special Case No. 522 of 2024, was rejected by the learned Special Judge under MCOC Act, Pune by order dated 26th July 2024.

7. Mr. Niranjana Bhavake, learned Advocate for the Applicant submits that the First Information Report lodged by the Complainant was against unknown persons. He submits that the Applicant is not named in the FIR. He further submits that there is no material on record either by way of Call Details Record or CCTV Footage to show the involvement of Applicant in the present crime. He submits that there is no Test Identification Parade conducted. He submits that Accused No. 1 in the said crime, who is similarly placed and identically situated like that of the Applicant, has been

released on bail by the Additional Sessions Judge, Pune vide order dated 26th August 2024 passed on Exhibit-5 in Special Case No. 522 of 2024. He tenders a copy of said order, which is taken on record and marked as “X” for identification. He submits that Accused No. 1 is on the same footing like the Applicant in as much as the Applicant has same antecedents, so did Accused No. 1. He submits that the investigation in the present crime is complete, recoveries are made and charge-sheet is filed. He submits that the trial of Special Case No. 522 of 2024 will not conclude in the near future.

8. Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent submits that the Applicant is involved in the similar crimes and has 8 criminal antecedents. He submits that out of said 8 criminal antecedents, in 3 criminal cases, the Applicant is convicted, in 3 criminal cases Applicant is acquitted and 2 criminal cases are pending. He submits that the Applicant is expert in committing such crimes. He submits that in the Affidavit-in-Reply, the State/Respondent has given in detail the reasons for opposing the bail.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Perusal of the charge-sheet reveals that there is no direct evidence to indicate or to show the involvement of Applicant in the present crime. Accused No. 1, who is identically and similarly placed in the said crime, has been released on bail. Though the FIR has been registered against the unknown persons, charge-sheet

does not reveal Test Identification Parade being conducted. Learned Trial Court, which is seized that Special Case No. 522 of 2024 while considering the Bail Application of Accused No. 1 has observed that the trial is not likely to commence and conclude in the near future, which is one of the grounds for enlarging Accused No. 1 on bail.

11. Considering the nature of allegations, the material available on record and a similarly placed accused in the said crime being released on bail, Applicant is also entitled to be released on bail.

12. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 401 of 2023 registered with Khadki Police Station, District-Pune for the offences punishable under Section 392 read with 34 of the IPC and Sections 3(1)(ii), 3(2) and 3(4) of the MCOC Act on executing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two local sureties in the like amount to the satisfaction of the Special Judge under MCOC Act, Pune.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.

- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
 - d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Khadki Police Station, District-Pune and shall keep the same updated, in case of any change thereto.
 - e. Applicant shall co-operate in the conduct of the trial of Special Case No. 522 of 2024 and shall regularly attend the hearing of the case pending on the file of Special Judge under MCOC Act, Pune, on each and every date, unless exempted from appearance.
 - f. Applicant shall report/attend before the Investigating Officer, Khadki Police Station, District-Pune on 1st Saturday of every month from 11.00 a.m. to 1.00 p.m. till framing of the charge in the said case.
 - g. Applicant shall not indulge himself in any activities, which are similar to the present crime.
13. Criminal Bail Application No. 4001 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]