

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

CRIMINAL BAIL APPLICATION NO. 4081 OF 2024

Balasaheb Shankarrao Argade Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Ashok Mundargi, Senior Advcoate i/by Mr. Rajesh More, Mr. Meghdeep Oak, Mr. Suchit Mundada, Mr. Rajendra Daundkar, Mr. Vikrant Kadam, Advocate for the Applicant.

Mr. Asim Sarode and Associate LLP a/w Mr. Siddharth Ingale and Mr. Balkrishna N. for the Intervenor.

Mrs. G. P. Mulekar, A.P.P. for the Respondent – State.

Mr. Rajendra Mulik (A.C.P) and Mr. J. D. Bhosale (P.S.I.), Crime Branch Pune City, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	18th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 96 of 2024 registered at Shivajinagar Police Station, District : Pune for the offences punishable under Sections 307, 120(B) r/w Section 34 of the Indian Penal Code, Section 3(25) of the Arms Act and Sections 37(1) r/w 135 of the Maharashtra

Police Act and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

3. I have heard the learned Senior Counsel for the Applicant, learned A.P.P. for the Respondent No.1-State and the learned counsel for the Intervenor.

4. According to the prosecution, on the date of incident which took place on 16/04/2024 two unknown persons tried to kill the first informant by shooting him with a pistol, however, pistol malfunctioned and failed to fire the bullet.

5. The applicant is the father of the first informant. According to the prosecution, the present applicant is a member of organized crime syndicate formed by co-accused Prashant Kudle. It is alleged that the applicant was annoyed with the first informant over certain issues and thus entered into conspiracy with the co-accused Prashant Kudle to kill the informant. It is alleged that, co-accused Prashant Kudle is the same person, who tried to kill the first informant by shooting him by pistol.

6. According to the prosecution, prior to the present

incident on 10.03.2024 also attempt was made to kill the first informant. I have perused the first information report of the said incident dated 10.03.2024. The assault appears to be on non-vital parts. If the conspiracy was to kill the first informant, there was no question of assaulting the first informant on non-vital parts.

7. Be that as it may, the applicant is not involved in any other crime with the gang leader except the crime registered on the basis of incident dated 10.03.2024. It is not the case of the prosecution that prior to 10.03.2024, the applicant has committed any other crime as a member of alleged gang. Therefore prima facie, in the facts and circumstances of the case, invocation of the offences under MCOC Act against the applicant appears to be unjustified. In the present crime, the applicant was granted bail, however, came to be re-arrested after invocation of the offences under MCOC Act. Considering the overall facts and circumstances, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;

(ii) The applicant is directed to be released on bail in connection with Crime No. 96 of 2024 registered at Shivajinagar Police Station, District : Pune for the offences punishable under Sections 307, 120(B) r/w Section 34 of the Indian Penal Code, Section 3(25) of the Arms Act and Sections 37(1) r/w 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) The applicant shall not enter into the corporation limits of Pune City except to attend the dates before the trial Court.

(iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)