

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5016 OF 2024**

Sopan Dinkar Chorge ... Applicant

versus

The State of Maharashtra Respondent

Mr. Priyal Sarda along with Ms. Shubham Sane, Mr. Abhishek Tare, Ms. Seema Dighe and Mr. Rajesh Ranglani i/b. Mr. Vaibhav Kulkarni, Advocate for the Applicant.

Mr. Prasanna P. Malshe, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th FEBRUARY, 2025.

P.C. :

1. By this application, applicant is seeking regular bail in C.R.No. 44 of 2019 registered with Bhuij Police Station, District Satara for the offences punishable under Sections 307, 326, 143, 147, 148 and 149 of the Indian Penal Code 1860 (for short "IPC") and Sections 3, 5 read with 25 of Arms Act a/w. Sections 37(1)(3) read with 135 of Bombay Police Act along with Sections 3(1)(ii) and 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2. It is prosecution's case that applicant and co-accused were desirous of running one shift of the Khed-Shivapur Toll Naka and they approached Mr. Vikas Shinde for permission. However, Mr. Vikas refused proposal of the applicant and co-accused, hence they had grudge against

Mr. Vikas. It is alleged that on 25.03.2019 at around 1.00 a.m. the first informant Pandurang along with his colleagues were doing their job at Toll Plaza situated at Pune-Satara highway within the limits of Virmude village. At that time, one white coloured Swift car bearing No. MH-12/NJ-302 came to toll booth No.1 and tried to escape without paying toll amount. When toll booth employees intercepted the said vehicle, the persons sitting in that car called the applicant and co-accused. The applicant and co-accused came in two different cars and they fired at the toll both employees with intention to kill them. It is alleged that applicant was holding pistol in his hand and fired it at the toll booth employees and in air.

4. It is contention of learned counsel for the applicant that the applicant is behind bar more than 4 years and 5 months, yet charge has not been framed against him. Except the applicant, all co-accused have been released on bail. It may take time to conclude the trial. Hence, requested to allow the application.

5. It is contention of learned APP that applicant is the main culprit as he had fired shots at the employees of toll booth from his pistol with the intention to kill them. The pistol used in the crime is recovered at the instance of the applicant. If the applicant is released on bail, he may threaten the prosecution witnesses. The applicant has 7 antecedents. Hence, requested to reject the application.

6. I have heard both the learned counsel. Perused charge-sheet. The allegations against the applicant are that the applicant and co-accused went to the toll booth in two different cars and the applicant fired at the toll booth employees with the intention to kill them. It appears from the record that nobody was injured in the firing made by the applicant. The applicant is behind bar for more than four years, yet charge has not been framed. It may take time to conclude the trial. Considering these facts, his further detention is not required and I pass following order:

ORDER

- i. The applicant be released on bail in C.R.No. 44 of 2019 registered with Bhuij Police Station, District Satara, on executing P.R.Bond of Rs.50,000/- on furnishing one or two sureties of the like amount.
- ii. The applicant shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- iii. The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- iv. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

- v. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

The application is allowed in the aforesaid terms and is accordingly disposed off.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)