

Nikita

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

BAIL APPLICATION NO.5378 OF 2024

Gaurav Gajanan Mule

... Applicant

V/s.

The State of Maharashtra

... Respondent

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Mr. Ranjit Patil a/w Mr. Shailesh D. Chavan a/w Mr.
Sachin Pawar a/w Mr. Hrishikesh Avhad for the
Applicant.

Mr. P. H. Gaikwad, APP for the State.

Mr. Rameshwar Ghule, PSI, Chakan Police Station,
Pimpri Chinchawad.

CORAM : ASHWIN D. BHOBE, J.

DATED : 8th JULY, 2025

P.C.:

1. Heard Mr. Ranjit Patil learned Advocate for the Applicant and Mr. P. H. Gaikwad, learned APP for the State.
2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.578 of 2021 registered with Chakan Police Station, Pimpri Chinchawad for the offences punishable under Sections 302, 120-B, 201, 216, 143, 147, 148, 149, of the Indian Penal Code, 1860 read with Section 4 and Section 25 and 27 of Arms Act, read with Section 37 and 135 of Maharashtra Police Act read with Sections 3(1)(i), (ii), 3(4) of Maharashtra

Control of Organized Crime Act, 1999.

3. This crime is now registered as MCOCA Case No.863 of 2021. There are 12 Accused in the present crime. Applicant is Accused No.6.

4. Case of the prosecution is that the Accused in the present crime committed murder of Atul T. Bhosale. Allegations against the Applicant in the present crime is that the place where the conspiracy to kill the Atul Tanaji Bhosale (deceased) was planned i.e. the Gajanan Gas Repairing Station belongs to the Applicant. It is alleged that all the Accused were present in the said Gas Repair Station planning to commit the offence.

5. Applicant was arrested on 18.05.2021 and since then he is in jail. Bail application filed by the Applicant at Exhibit-6 in MCOCA Case No.863 of 2021 was rejected by the learned Additional Special Judge under MCOCA Act Pune on 09.02.2023.

6. Mr. Ranjit Patil learned Advocate for the Applicant submits that the conspiracy to kill the Atul T. Bhosale is alleged to have been planned at the Gajanan Gas Repairing Station belonging to the Applicant, as such the Applicant is implicated in the crime. He submits that the material on record indicates that some of the Accused were visiting the Applicant at his Gajanan Gas Repairing Station much prior to the alleged offence. He submits that the Gajanan Gas Repairing Station being of the Applicant, the presence of the Applicant at the said place cannot be questioned. He submits that the Applicant is not involved in the actual assault on the deceased. He submits that Anil Shinde (Accused No.10) who is

alleged to have provided shelter and food to the co-accused and Rishikesh Rokade (Accused No.12) who is alleged to have provided motorcycle to the co-accused to flee away, have been released on bail by this Court (orders are at page No.1550 and 1553 respectively). He submits that there are no allegations of whatever nature of the Applicant being present at the place of incident. He submits that the allegations of assault are against the assailants i.e. Accused No.1 to 4. He submits that though the Applicant was arrested in the year 2021, trial has not commenced. He submits that though, initially charge was framed on 26.12.2023, the same was set aside by this Court in Criminal Appeal No.94 of 2024. He submits that after the order dated 12.02.2023 in Criminal Appeal No.94 of 2024, charge is not framed till date.

7. Mr. P. H. Gaikwad, learned APP for the State, submits that the involvement of the Applicant in the present crime, is on account of his presence in the Gajanan Gas Repairing Station where the co-accused were planning to kill Atul T. Bhosale. He submits that the statement of co-accused Santosh Manjare implicates the Applicant in as much as the Applicant being present at the place where the conspiracy to kill was planned. He submits that the presence of the Applicant at Gajanan Gas Repairing Station is captured on the CCTV footage. He submits that Gajanan Gas Repairing Shop belongs to the Applicant. He submits that the charge in the MCOCA Case No.863 of 2021 is not framed till date.

8. I have perused the record with the able assistance of learned Advocates for the parties.

9. Allegations against the Applicant is of being present at the place where the conspiracy is alleged to have been hatched i.e. Gajanan Gas Repairing Station. Applicant is seen in the CCTV footage at the said Gajanan

10. Perusal of the charge-sheet, indicates that there is no direct evidence against the Applicant being present at the time of incident and any role being attributed to the Applicant in the context of the assault. Gas Repairing Station. Gajanan Gas Repairing Shop belongs to the Applicant. In such circumstances there is reasonable ground to believe that the Applicant is not guilty of the alleged offence.

11. Applicant is in jail since 18.05.2021 i.e. for a period of four years and two months. Indisputably, charge is not framed till date. In such circumstances as submitted by Mr. Ranjit Patil the trial is bound to prolong. Applicant would be right in pressing his right of speedy trial. Co-accused Nos.11 and 12 have been released on bail. Mr. Ranjit Patil, states that the Applicant does not have any criminal antecedents.

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

- a) It is directed that the Applicant shall be released on bail in Crime No.578 of 2021 registered with Chakan Police Station, Pune for the offences punishable under Sections 302, 120-B, 201, 216, 143, 147, 148, 149 of the Indian Penal Code r/w Section 4 r/w S.25 and 27 of Arms Act r/w Sections 37 and 135 of Maharashtra Police Act r/w Sections

3(1)(i), (ii), 3(4) of Maharashtra Control of Organized Crime Act, 1999 on furnishing PR. Bond of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the Additional Special Judge under MCOC Act, Pune.

b) Applicant shall attend Chakan Police Station, Pune on every 1 and 16th of every month between 10.00 a.m and 12.00 noon till conclusion of trial, except on the date of trial.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.

d) Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence.

e) Applicant shall attend and regularly appear before the Additional Special Judge under MCOC Act, Pune in MCOCA Case No.863 of 2021 on each date of hearing, unless specifically exempted by the Court.

13. The Bail Application No.5378 of 2024 is disposed off.

(ASHWIN D. BHOBE. J.)