

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5417 OF 2024

Mahendra K. Sasane ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
BAIL APPLICATION NO. 4025 OF 2024

Kiran F. Dhanawate ...Applicant
V/s.
The State of Maharashtra ...Respondent.

.....
Ms Shubhangi Parulekar for the Applicants.
Mr. T.G. Khan, APP for the Respondent/State.
PSI A.S. Chougule, Chakan Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 11.02.2025.

P.C. :

1. As both these applications filed for grant of regular bail are arising out of one and the same crime, they are being disposed of by this common order.

2. The applicants came to be arrested in Crime No.1791 of 2022 of registered at Chakan Police Station, Pune for the offences punishable under Sections 302, 307, 324, 341, 141, 143, 144, 147, 148, 149, 506, 120-B and 212 of the Indian Penal Code, Section 4(25) of the Arms Act, Section 37(1) read with 135 of Maharashtra Police Act and Sections 3(1)(ii), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act (MCOC Act).

3. According to the prosecution, the present applicants are members of the organized crime syndicate formed by co-accused Shubham Mhaske. It is alleged that there was a previous enmity between the complainant and co-accused Shubham Mhaske. It is alleged that on the date of incident, which took place on 21.11.2022 when the complainant and the deceased were together, the present applicants and other co-accused assaulted the complainant and the deceased by sharp weapons. It is alleged that in the incident, the deceased was severely injured and ultimately died due to said injuries.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. The bail is sought on the ground of parity. In support of the said submission, the learned counsel for the applicants has placed on record a copy of order passed by this Court dated 29.07.2024 in Criminal Bail Application No. 2411 of 2023. By the said order, this Court has released the co-accused Paresh @ Pravin Ishwar Gundani on bail.

6. I have perused the charge-sheet. The role attributed to the present applicants and the co-accused Paresh @ Pravin Ishwar Gundani appears to be identical. In that view of the matter, I am inclined to release the applicants on bail. In the result, the following order is passed.

ORDER

A] The Applications are allowed.

B] The applicants be released on bail in C.R. No. 1791 of 2022 of registered at Chakan Police Station, Pune for the offences punishable under Sections 302, 307, 324, 341, 141, 143, 144, 147, 148, 149, 506, 120-B and 212 of the Indian Penal Code, Section 4(25) of the Arms Act, Section 37(1) read with 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act (MCOC Act) on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one solvent surety in the like amount.

C] The applicants shall not enter into the limits of Pimpri-Chinchwad Municipal Corporation till the conclusion of the trial;

D] The applicants shall attend the concerned Police Station within whose jurisdiction they are going to reside, after their release twice in a month, i.e., on 1st and 3rd Saturday between 10.00 a.m. to 1.00 p.m., till the conclusion of the trial;

E] The applicants 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;

F] Liberty is granted to the State to apply for cancellation of bail in case there is breach of any condition or if the applicants commit any serious offence;

G] The applicants shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

[N.R.BORKAR, J.]