

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

BAIL APPLICATION NO. 88 OF 2025

Nitin Shivaji Yede	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mrs. Shubhangi Parulekar, Advocate for the Applicant.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

Mr. A. S. Chougule (PSI), Chakan Police Station, Pune, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	3rd APRIL, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.1791 of 2022 registered at Chakan Police Station , District : Pune, for the offences punishable under Sections 302, 307, 341, 324, 212, 141, 143, 144, 147, 148, 149, 506, 120-B of the Indian penal Code, Section 4(25) of the Indian Arms Act, Section 37(1) read with Section 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).

3. According to the prosecution, the present applicant is the member of the organized crime syndicate formed by the co-accused Shubham Mhaske. It is alleged that on the date of incident, which took place on 21.11.2022 the present applicant and the other co-accused assaulted the complainant and the deceased by sharp weapons on account of previous enmity. It is alleged that the deceased was severely injured and ultimately died due to said injuries.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The learned counsel for the applicant submits that applicant has nothing to do with the alleged crime. It is submitted that the alleged eye-witness to the incident for the first time in his supplementary statement recorded after 20 days of incident has stated that the applicant was also present at the time of incident. It is submitted that in similar circumstances this Court by order dated 29th July 2024 in Criminal Bail Application No. 366 of 2024 has granted bail to the co-accused Suraj Ramesh Gadekar. It is further submitted that there are no other criminal antecedents against the

present applicant.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that the case is based on direct evidence. It is submitted that according to the eye-witnesses the present applicant was part of unlawful assembly. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of the injured eye-witness. In the said statement he has not stated that the present applicant was present at the time of alleged incident. The applicant is in jail for two and half years. There are no other criminal antecedents against the present applicant. Considering the said facts, 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.1791 of 2022 registered at Chakan Police Station , District : Pune, for the offences punishable under Sections 302, 307, 341, 324, 212, 141,

143, 144, 147, 148, 149, 506, 120-B of the Indian penal Code, Section 4(25) of the Indian Arms Act, Section 37(1) read with Section 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 executing P.R. 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 limits of Khed Taluka till conclusion of trial except to attend the dates before the Trial Court.

(iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)