

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 157 OF 2025

Akshay B. Girimkar
V/s.

...Applicant

The State of Maharashtra

...Respondent.

WITH
INTERVENTION APPLICATION NO. 780 OF 2025

.....
Mr. Aniket Nikam a/w. Mr. Sharad Bhoite, Mr. Rajabhau Chaudhari
i/b Mr. Kishan Chaudhari for the Applicant.

Mr. Vinod Chate, APP for the Respondent/State.

Mr. Priyal G. Sarada a/w. Mr. Shubham Sane, Ms Seema Dighe and
Mr. Rajesh Ranglani for the Intervenor in IA.

API Ravindra Godse, Lonikand Police Station, Pune city present.

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CORAM : N.R. BORKAR, J.
DATE : 12.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.20 of 2022 registered at Lonikand Police Station, Pune for the offences punishable under Sections 302, 307, 341, 143, 147, 148, 149, 427, 120-B and 201 of the Indian Penal Code, Section 3(1)(i), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, Sections 3 and 4 read with 25 of the Arms Act and Section 37(1) (3) read with 135 of the Maharashtra Police Act.
3. The deceased Kumar Shinde and the deceased Prathamesh *alias* Sunny Kumar Shinde were father-in-law and brother-in-law of

the complainant - Minal Shinde. It is the case of the prosecution that on the date of incident, which took place on 12.1.2022, they along with eye-witness Dnyaneshwar Chavan had gone to Shivajinagar Court, Pune to attend the hearing of bail application of the complainant's husband, who was arrested for allegedly committing murder of one Sachin Shinde. It is alleged that at about 6.30 p.m., the co-accused Nikhil Patil, who according to the prosecution is a gang leader and runs a organized crime syndicate, came there along with other co-accused and assaulted the deceased by deadly weapons and committed their murder at the instance of family members of Sachin Shinde.

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

5. Learned counsel for the applicant submits that according to the prosecution, the present applicant was one of the assailant, however, there is no reference of the present applicant either in the statement of complainant or in the statements of eye-witnesses. It is submitted that except the alleged recovery of koyta at the instance of applicant, there is no other material to connect the applicant with the alleged crime. It is submitted that there are no other criminal antecedents against the applicant. It is submitted that the applicant is in jail for more than 3 years and the trial has not commenced. It is submitted that the applicant, therefore, may be released on bail.

6. On the other hand, learned APP for the respondent/State and the learned counsel for the complainant/intervenor submit that the applicant is one of the assailants and there is material to that effect on record. It is submitted that the applicant is the member of organized crime syndicate. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. I have perused the statements of eye-witnesses. There is no reference of the applicant in their statements. The applicant is in jail for more than three years and the trial has not commenced. There are no other criminal antecedents against the applicant. Considering the overall facts and circumstances, I am inclined to release the applicant on bail on certain conditions. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 20 of 2022 registered at Lonikand Police Station, Pune for the offences punishable under Sections 302, 307, 341, 143, 147, 148, 149, 427, 120-B and 201 of the Indian Penal Code, Section 3(1)(i), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, Sections 3 and 4 read with 25 of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into the limits of District Pune except to attend the dates before the trial Court till conclusion of the trial.

D] The applicant shall furnish his residential address and the contact number, if any to the Lonikand Police Station.

E] The applicant shall not tamper with the prosecution evidence.

F] The applicant shall not commit any other crime.

G] Liberty is granted to the State to file an application for cancellation of bail, if the applicant commits breach of any of the above conditions.

8. The Interim Application for Intervention also stands disposed of.

[N.R.BORKAR, J.]