

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

CRIMINAL BAIL APPLICATION NO. 816 OF 2025

Nitin Popat Tambe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Nitin Tambe i/b Ms. Shubhangi Parulekar, learned Advocate on record for the Applicant.

Mr. Niranjan Mundargi, arguing advocate a/w Ms. Keral Mehta i/b Mr. Shubham G. More, learned Advocates for the Applicant.

Ms. Veera Shinde, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 13th AUGUST 2025.

P.C. :

1. Heard Mr. Niranjan Mundargi, learned Advocate for the Applicant and Ms. Veera Shinde, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 164 of 2024 registered with Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad for the offences punishable under Sections 302, 364, 201, 212, 120(B), 420 read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short) and Sections 3(1)(i)(ii), 3(2) & 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (“**MCOC Act**” for short).

3. Mr. Niranjan Mundargi, learned Advocate for the Applicant submits that the abovesaid crime is registered as Special Case No.

1136 of 2024 and is pending on the file of Special Judge under MCOC Act, Pune.

4. There are 7 accused persons in the present crime. Applicant is Accused No. 3.

5. First Information Report was lodged on the basis of a complaint made by Mrs. Rohini Yuvraj Bhangare (Informant). Case of the prosecution is that Aditya Yuvraj Bhangare (deceased), son of the Informant was murdered by the accused persons named in the FIR. Motive for committing murder of deceased Aditya was to avenge the death of brother of Ritesh Pawar, who was murdered by the rival group of which Aditya was a member.

6. Applicant was arrested on 29th March 2024, since then he is in jail. Criminal Bail Application at Exhibit-10 filed by the Applicant in Special Case No. 1136 of 2024, was rejected by the learned Special Judge under MCOC Act, Pune by order dated 21st January 2025.

7. Mr. Niranjan Mundargi, learned Advocate for the Applicant submits that the allegations in the present crime against the Applicant are limited to the Applicant giving his car to Rahul Sanjay Pawar (Accused No. 1). He submits that apart from the said involvement, i.e., the Applicant giving his car to Accused No. 1, there is neither any material on record to show the Applicant having any knowledge of the purpose for which the car being used, nor he was having any knowledge of any offence being committed by Accused No. 1. He submits that Accused No. 1 being known to the Applicant, car was provided to him. He further submits that it

is not the case of prosecution that the Applicant was present at the time of commission of offence or for that matter present in the car, which as per the prosecution was used to transport the dead body of deceased Aditya.

8. Ms. Veera Shinde, learned A.P.P. for the State/Respondent submits that the prosecution has recorded statements of 18 witnesses as also confessional statements of Accused Nos. 2, 4, 5 and 7. She by referring to the said statements of 18 prosecution witnesses and the confessional statements made by Accused Nos. 2, 4, 5 and 7 under Section 18 of the MCOC Act, submits that the involvement of Applicant is to the extent of providing his car (Innova make) to Accused No. 1. She submits that apart from the said involvement, there is no other material on record to show involvement of the Applicant in the present crime.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Perusal of the charge-sheet reveals that the role assigned to the Applicant in the present crime is of providing his Innova vehicle to Accused No. 1. Mr. Niranjan Mundargi, learned Advocate for the Applicant has submitted that Accused No. 1 was known to the Applicant and in that connection the said vehicle was given to Accused No. 1. Prosecution witnesses do not assign any role to the Applicant in the said crime. Confessional statements of 4 accused persons do not indicate involvement of the Applicant in the present crime. CCTV Footage recovered by the prosecution does not show the presence of Applicant in the crime.

11. Considering the nature of evidence, the material on record and the submission made by Ms. Veera Shinde, learned A.P.P. for the State, *prima facie* complicity of the Applicant in the present crime is not supported by the prosecution case. There is no material to show the involvement of Applicant in the present crime.

12. Applicant is in jail since 29th March 2024. In the facts and circumstances of the case, continuation of incarceration of the Applicant during pendency of trial is not warranted. Applicant is therefore entitled to bail.

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

- a. Applicant is directed to be released on bail in connection with Crime No. 164 of 2024 registered with Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad for the offences punishable under Sections 302, 364, 201, 212, 120(B), 420 read with 34 of the IPC and Sections 3(1)(i)(ii), 3(2) & 3(4) of the MCOC Act on executing P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two local sureties in the like amount to the satisfaction of the Special Judge under MCOC Act, Pune.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.

- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial of Special Case No. 1136 of 2024 and shall regularly attend the hearing of the case pending on the file of Special Judge under MCOC Act, Pune, on each and every date, unless exempted from appearance.
- f. Applicant shall report/attend before the Investigating Officer, Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad on 1st Saturday of every month from 10.00 a.m. to 1.00 p.m. till framing of the charge in the said case.

14. Criminal Bail Application No. 816 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.08.14
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