

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

Criminal Bail Application No. 3224 of 2025

Siddhesh Santosh Patil

Age 28 years, Occ: Service,

R/at.: Near Vikas Nagar Ganpati

Mandir, Lane Number 01,

Sinhagad College Road, Pune.

(Presently lodged at Pune Jail).

... Applicant

Versus

The State of Maharashtra

(At the instance of the Sr. P.I.

Sinhgad Road Police Station, Pune)

...Respondent

Mr Kuldeep Nikam, for the Applicant.

Mr B B Kulkarni, APP, for Respondent / State.

PSI Amol Malusare, Sinhgad Road Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 8 December 2025

P.C.:

By this application the applicant seeks bail in connection with CR No.400 of 2024, registered at Sinhagad Road Police Station, Pune City, for offences punishable under Sections 109(1), 111 and 61(2) of the Bharatiya Nyaya Sanhita, 2023, Section 3(25) and 3(27) of the Arms Act, and Sections 37(1), 37(3) r/w 135 of the Maharashtra Police Act, Sections 3(1)(ii),

3(2) and 3(4) of the Maharashtra Control of Organised Crime Act (MCOCA), 1999.

2. It is the case of the prosecution that on 11 July 2024 at about 7:30 a.m., co-accused, one Aniket Lokhande, who was allegedly in an inebriated condition at the time of the incident, fired a pistol, thereby causing an injury to the left toe of the first informant. The applicant is alleged to have supplied the bullets used in the commission of the said offence to the co-accused, thereby facilitating the occurrence of the crime.

3. Mr Kuldeep Nikam, the learned Counsel appearing on behalf of the applicant, has vehemently asserted the applicant's innocence and has contended that the applicant has been falsely implicated in the alleged offence. It is submitted that the applicant is not named in the FIR, and no specific role has been attributed to him therein. The learned Counsel further submits that the applicant was not present at the scene of the incident at the relevant time, and that no incriminating material has been recovered at the applicant's instance.

4. It is further submitted that the sole material sought to be relied upon by the prosecution to connect the applicant with the alleged offence is the statement of a co-accused. However, the said statement is neither a confessional statement recorded

under Section 18 of the MCOC Act, nor does it satisfy the legal requirements for admissibility. Instead, the said statement has been recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which, it is submitted, is not admissible in evidence against the applicant and cannot be the sole basis for his continued incarceration. Without prejudice to the above contentions, and assuming arguendo the entire case of the prosecution to be true, the learned Counsel submits that the foundational ingredients necessary to attract the provisions of the MCOC Act are not satisfied in the present case. It is submitted that there is no material on record to demonstrate that the applicant has derived any pecuniary benefit or advantage from any alleged criminal activity. Furthermore, the chargesheet does not disclose any evidence suggesting that the applicant is a member of any organised crime syndicate or gang, nor does it contain any material indicating the commission of a series of offences in concert with other alleged members of such a syndicate.

5. The learned Counsel submits that the invocation of the MCOC Act on the basis of a solitary offence, without establishing the continuity and nexus required under the statute, is legally untenable. It is further submitted that the investigation in the present matter has been concluded, and the

chargesheet has already been filed before the competent Court. There is no further recovery or discovery pending at the instance of the applicant. It is also submitted that the charges are yet to be framed, and considering the nature and complexity of the case, the trial is likely to be protracted. In such circumstances, continued incarceration of the applicant would amount to pre-trial punishment. Lastly, the learned Counsel, on instructions, submits that the applicant is willing to abide by any stringent conditions that may be imposed by this Hon'ble Court, including a condition to remain outside the territorial jurisdiction of Pune District until the conclusion of the trial, and undertakes not to seek any relaxation of such condition.

6. On the other hand, Mr BB Kulkarni, the learned Additional Public Prosecutor representing the respondent/ State, contends that the applicant is affiliated with a gang led by accused No.3 and has been involved in violent acts. The learned APP further submits that the applicant was externed from the Pune District and the area of Pimpri-Chinchwad Police Commissioner by order dated 19 January 2024 and that the present offence was committed by breach of the said externment order. The offence, it is argued, is of a serious and grave nature, and the applicant has a history of criminal

behaviour. However, the learned APP concedes that the investigation has been concluded and the charge sheet was filed on 19 January 2024. He expresses concern that, if released on bail at this stage, there is a possibility that the applicant may tamper with the evidence and influence the witnesses.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. It appears from the records that the prosecution does not attribute any overt act of assault to the applicant. The only allegation levelled against the applicant pertains to the purported supply of ammunition specifically, bullets, allegedly utilised in the commission of the offence in question.

8. It is pertinent to note that the applicant is neither alleged to have entered the premises where the incident transpired nor to have actively participated in the physical assault. Moreover, none of the eyewitnesses implicate the applicant in the commission of the present crime. There is no recovery effected from the applicant of any weapon, firearm, ammunition, or any other article or instrument that could be construed as incriminating in nature. Furthermore, the prosecution has not placed on record any material to suggest that the applicant shares any nexus or association with the alleged leader of the gang or the purported criminal syndicate involved in the

offence.

9. Significantly, no confessional statement under Section 164 of the Code of Criminal Procedure, 1973, or otherwise, made by any co-accused, has been brought on record to implicate the applicant in the alleged crime. Additionally, the arrest panchnama is conspicuously silent as to the precise location from which the applicant was apprehended. It is also not the case of the prosecution that the applicant had voluntarily surrendered before the Investigating Agency. However, the record is bereft of any material elucidating the circumstances under which the applicant came to be arrested.

10. The prosecution further asserts that witnesses Avinash Shilimkar and Nikhil Pawar purportedly observed all the accused persons together and engaged in discussion. It is, however, of material significance that the statements attributed to these witnesses were recorded only after an unexplained delay of four months. The said statements merely allege that co-accused Ravi Patil and Aniket Lokhande were discussing creating an atmosphere of terror; even in these belated statements, no specific act, overt role, or incriminating participation has been attributed to the present applicant.

11. There is no material to indicate that the applicant is a

flight risk or that he is likely to abscond, tamper with the prosecution evidence, or influence witnesses, if released on bail. The applicant has been incarcerated since 12th July 2024. It is an admitted position that the charge is yet to be framed, and the commencement and culmination of the trial are likely to consume considerable time.

12. In the totality of the circumstances, and in the absence of any material demonstrating the applicant's direct involvement in the alleged offence or any likelihood of misuse of liberty, this Court is of the considered view that a case for the grant of bail is made out. Accordingly, the following order is passed.

ORDER

(i) The applicant shall be released on bail in CR No.400 of 2024, registered at Sinhagad Road Police Station, Pune City, upon executing a PR Bond of Rs. 25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not enter the territorial jurisdiction of the Pune District, until the conclusion of the trial, save and except to attend the trial proceedings.

(iii) The applicant, either himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

(v) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

13. Accordingly, the present bail application stands disposed of.

[R.N. Laddha, J.]