



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 605 OF 2026

Shakti Ashok Gurne,
Age : 25 years, Occu. Labour,
R/o. Matajinagar, Latur, Dist. Latur

... Applicant

VERSUS

The State of Maharashtra,
Through Police Inspector,
Latur Rural Police Station

... Respondent

...
Advocate for Applicant : Mr. Satej S. Jadhav
A.P.P. for Respondent/State : Mr. S.B. Narwade

CORAM : SHAILESH P. BRAHME, J.

DATE : 06.05.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.133 of 2025, registered with Latur Rural Police Station, Dist. Latur for the offences punishable under Section 109, 308(1), 61(2), 189(2), 191(2), 191(3), 193(3), 190 of Bharatiya Nyaya Sanhita, 2023, under section 4/25 of Arms Act, under section 3(1)(ii), 3(2), 3(4) of MCOC Act.

3. The applicant is arrested on 08.11.2025. Charge-sheet is filed on 05.01.2026.

4. It is reported by injured informant that he had been to hotel Devgiri for having liquor on 04.06.2025 in the afternoon when applicant and co-accused were also present. The applicant is alleged to have demanded ransom as the informant was having a pan stall. He is being threatened. Thereafter, co-accused

Baba Shaikh inflicted the injury on his head by scythe. Applicant and other persons are alleged to have inflicted injuries by brick, iron rod and chair.

5. Learned counsel for the applicant submits that applicant's implication is just due to the criminal antecedents. The CCTV footage through camera installed at the relevant place was available but not collected. The applicant was required to approach High Court by filing writ petition. After disposal of the petition, supplementary statement was recorded, stating that the applicant was present in a car outside of the hotel and informant was being threatened at that place. No incriminating material is recovered from the applicant. All the allegations are concocted. The main perpetrator of the offence who can be said to be the author of the injuries, are different persons.

6. Learned APP submits that applicant is a history-sheeter and in the proposal of action in pursuance of the MCOC Act, the criminal antecedents were disclosed to the competent authorities. He is said to be the leader of the gang. CCTV footage is recovered but transcript is not available. There are eye witnesses, namely, Samir, Rohan, Prashant who are consistent with the prosecution theory. The confessional statement of co-accused Ismail alias Baba Jalil Shaikh and Tathagat alias Babbi are relevant which would show culpability of the applicant. The statement under section 183 further corroborates the prosecution story. Medico-legal certificate shows 1 grievous injury and two simple injuries. My attention is adverted to section 18 and 21(4) of the MCOC Act for rejecting the present application.

7. FIR would disclose that in the Devgiri Bar, applicant is alleged to have approached the informant and threatened him for extortion. Blow is alleged to have been given by Baba Shaikh by scythe on head. Applicant is alleged to have

assaulted by brick. There is no reference that applicant had ever been outside of the bar and committed any overt act outside or by sitting in any vehicle.

8. It is pointed out by learned counsel Mr. Jadhav that applicant had filed Criminal Writ Petition No. 1029 of 2025, to secure CCTV footage from the camera installed in the hotel so as to show the presence of the applicant. The petition was disposed of vide order dated 23.09.2025, relying upon written communication of Superintendent of Police, Latur. Thereafter, statement of the informant was recorded on 24.09.2025 stating that applicant was sitting in a four wheeler outside of the hotel. There was exchange of words between them. The transcript of the CCTV footage has not been placed on record. It is contended by APP that the CCTV footage is secured. There is no reason as to why the transcript has not been produced on record.

9. When applicant himself had approached the High Court, seeking certain directions, it was imperative for the Investigating Officer to secure CCTV footage and promptly prepare the transcript, so as to highlight the presence of the applicant at the relevant time. The supplementary statement recorded after considerable period, would disclose an attempt to overcome the shortfall in the FIR or the investigation. There is a reason to doubt the prosecution theory as well as presence of the applicant at the relevant time.

10. I have gone through the statement of the eye witnesses, who were present at the relevant time. None of the witnesses would attribute specific overt act against the applicants. The overt act alleged against the accused person is omnibus in nature. I have also considered statements of two witnesses recorded under section 183. Those are also on the similar lines.

11. The medico-legal certificate of the informant shows two simple injuries and one grievous injury. I have my reservations for the presence of the applicant at the relevant time. Under such circumstances, it cannot be said that the applicant is the author of either the simple injury or grievous injury.

12. My attention is adverted to confessional statement recorded of co-accused Ismail alias Baba Jalil Shaikh and Tathagat alias Babbi. Said statement has relevance by implication of section 18 of the MCOC Act. The provisions of section 18(1) shows two riders; framing of the charge and trying accused together.

13. In present matter, I am of the considered view that charge has not been framed. The relevancy of the confessional statement would not be an impediment for releasing the applicant on bail. The probative value of the statement can be dealt with during the course of trial.

14. It is vehemently pointed out by learned APP that applicant is a history-sheeter and is a gang leader. Statements have been recorded of the witnesses of the offences pitted against him. The involvement of the applicant in the previous offences would not be the sole factor to deny bail. The proposal was moved against the applicant under MCOC Act successfully, would be an additional factor which needs to be taken into consideration during the course of trial.

15. There is sufficient incarceration of the applicant and stringent conditions would curtail the apprehended mischief.

16. I, therefore, pass the following order :-

ORDER

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No.133 of 2025, registered with Latur Rural Police Station, Dist. Latur for the offences punishable under Section 109, 308(1), 61(2), 189(2), 191(2), 191(3), 193(3), 190 of Bharatiya Nyaya Sanhita, 2023, under section 4/25 of Arms Act, under section 3(1)(ii), 3(2), 3(4) of MCOC Act, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.70,000/- (Rs. Seventy Thousand only) with one or more solvent sureties of like amount.

(b) The applicant shall attend the nearest Police Station once in a month, preferably on Sunday between 10.00 am and 4.00 pm. till framing the charge.

The applicant shall not enter Latur city till conclusion of the trial save and except attending the dates.

(c) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(d) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(e) The applicant shall co-operate for expeditious disposal of the trial.

(f) The applicant shall surrender Adhaar / PAN Cards, if any, to the Investigating Officer.

(g) Needless to mention the observations in the order are *prima facie* in nature.

(SHAILESH P. BRAHME, J.)

arp/-