

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 3696 OF 2025

Rohit Babaso Dhende
VERSUS
The State Of Maharashtra

Ms. Pallavi Kante, Advocate for the Applicant
Mr. Nitin B. Patil, APP for the respondent-State

CORAM : SACHIN S. DESHMUKH, J.
DATE : 30th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 443/2023 dated 18/06/2023 registered with Vishrambag Police Station, District Sangli for offences punishable under Sections 302, 120B, 201, 385, 143, 144, 147, 148, 149, 504, 506 and 212 of the Indian Penal Code, under Sections 3, 4, 25 and 27 of the Arms Act and under Sections 3(1)(i), 3(1)(ii), 3(2), 3(4), 4 of The Maharashtra Control of Organised Crime Act, 1999.

2. Heard.

3. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the case. There is a delay in lodging F.I.R. which is unexplained. Complaint claims to be eye

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witness to the incident, but the presence of the complainant on the spot of incidence is doubtful. The applicant is not named in the complaint. The present applicant was not in contact with the main assailants or other main co-accused. There was no motive on the part of the applicant to commit the said crime. The applicant is behind bar since more than two years. In absence of applicant's active role in commission of crime, further pre-trial incarceration of the applicant would be unjustified.

4. Per contra, learned APP vehemently opposed the application submitting that complicity of the applicant is apparent. There is overwhelming material on record to indicate complicity of the applicant, which dis-entitles the applicant to be admitted to bail.

5. Upon considering the submissions of learned counsel for the applicant and learned APP, prima facie it appears that the material on record does not indicate the applicant has been working as a member of the gang and has acted in coherence with the same. The other co-accused are enlarged on bail by this Court in Criminal Bail Application No. 2117/2024, 4254/2024, 4312/2024, 1398/2025 and 1118/2025. These accused persons are enlarged on bail by this Court *vis-a-vis* by the learned Additional Sessions Judge. The co-

accused Akshay to whom the similar role or procuring the weapon and the cartridge used in the alleged offence is admitted to the bail. As such, the applicant is also entitled to be admitted to bail even on the ground of functional equality. The only allegation as against the present applicant is of procuring weapons and the cartridge upon receipt of payment. Prima facie, it appears that the applicant is not a member of syndicate and in absence of criminal antecedents against the applicant, I am of the considered view that the discretion can be exercised in favour of the applicant.

6. Nevertheless, the investigation is complete for all intent and purpose and the charge-sheet is filed to that effect. Having regard to the number of witnesses which the prosecution proposes to examine, the trial is unlikely to commence and conclude within a reasonable period.

7. Hence, following order:

ORDER

- I. The bail application is allowed.
- II. Applicant, Rohit Babaso Dhende be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with C.R. No. 443/2023 dated

18/06/2023 registered with Vishrambag Police Station, District Sangli for offences punishable under Sections 302, 120B, 201, 385, 143, 144, 147, 148, 149, 504, 506 and 212 of the Indian Penal Code, under Sections 3, 4, 25 and 27 of the Arms Act and under Sections 3(1)(i), 3(1)(ii), 3(2), 3(4), 4 of The Maharashtra Control of Organised Crime Act, 1999, on the following conditions :-

- (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.
- (c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
- (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the Trial Court seeking cancellation of bail.

8. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]