

Order below Exh.117 in Spl. MCOCA Case No. 825/2021

The accused **Karan Bharat Sonawane** was arrested on 19/07/2021 in connection with C.R.No. 332/2021, registered in Yerwada Police Station under Sec. 307, 395, 452, 504, 506, 427, 201, 188 of IPC, under Sec. 4 r/w. 25 of the Arms Act, Sec. 37(1) r/w 135 of the Maharashtra Police Act, Sec. 7 of the Criminal Law Amendment Act, Sec. 3 of Epidemic Diseases Act, Sec. 51(B) of Disaster Management Act and Sec.3(1)(ii), 3(2) and 3(4) of MCOCA. He has filed this application for bail under Sec. 439 of Cr.P.C. He contends that this is his first bail application and no other application is pending in any other Court.

2. This is a case where the accused are charged for the offence under Section 307 of IPC and subsequently they were prosecuted under MCOCA in which the informant Vanraj Jadhav sustained no injury. As per prosecution story, a group of 30 to 40 persons came to the informant on 01/07/2021 at about 9.30 p.m. when he was chatting with his friends Megraj Bhist and Vaibhav Kamble and on the ground of previous dispute between them, they tried to assault him with an intention to kill him. The informant managed to escape and then all the accused went to his house and caused damage to the door of his house by means of the weapons like scythe and swords in their hands. One witness Amir Shaikh was proceeding to his house and co-accused Shubham Singh tried to give blow of sword on him but he missed and the injury to his right thumb was caused. All the accused also went to the house of maternal uncle of the informant under suspicion that the informant might have been there. One Juned Shaikh had been to that house and he was assaulted by accused Ajay Kasabe on his left leg and snatched his mobile phone. They also caused damage to the vehicles standing nearby and went away from the spot.

3. Heard Shri S.P. Sahane, the learned advocate for the accused and Shri G.K. Khode, the learned APP. It has brought to the notice of the court that the name of this accused is not mentioned in the FIR and he has been arrayed as an accused on the basis of CCTV footage. There is no allegation of any assault by this accused. The crime chart has been produced on record and there are four criminal antecedents of this accused but they appear to be in his individual capacity. The aspect of monetary gain is absent in this crime. Amir Shaikh and Juned Shaikh have sustained just abrasions. The co-accused Deepak Madne has been released on bail by the Hon'ble High Court. Accused Vivek Singh, Mahesh Kamble and Tejas Danane had filed bail applications but only Tejas Danane has been released on bail by this court. Shivraj Nirgal has also been released on bail by the Hon'ble High Court.

4. Having considered the fact that no specific role is attributed to this accused and no assaults has been caused by him and the offences committed by him earlier were in his individual capacity, the provisions of MCOCA are not *prima facie* attracted. The accused is the local resident and is not at flight risk. The prosecution is opposing this application on the ground that this accused was the member of organized crime syndicate but the record does not show such position. It is further contended that the accused will commit similar offences or will pressurize the prosecution witnesses if released on bail. According to me, the suitable conditions can be imposed to take care of such possibilities. The investigation is completed and charge-sheet is filed. Therefore, further detention of this accused does not appear to be necessary.

5. Hence, for these reasons, I hold that the accused is entitled to be released on bail on certain conditions. Hence, the order.

ORDER

1. Bail application is allowed.
2. The accused **Karan Bharat Sonawane** who was arrested on 19/07/2021 in connection with C.R.No. 332/2021, registered in Yerwada Police Station under Sec. 307, 395, 452, 504, 506, 427, 201, 188 of IPC, under Sec. 4 r/w. 25 of the Arms Act, Sec. 37(1) r/w 135 of the Maharashtra Police Act, Sec. 7 of the Criminal Law Amendment Act, Sec. 3 of Epidemic Diseases Act, Sec. 51(B) of Disaster Management Act and Sec.3(1)(ii), 3(2) and 3(4) of MCOCA, be released on bail on his furnishing P.R. of Rs.30,000/- with surety of the like amount on following conditions-
 - a) The accused shall not pressurize the prosecution witnesses and shall not indulge in any criminal activity.
 - b) The accused shall submit his address proof and phone details as well as phone details of his two close relatives.
 - c) The accused shall attend Yerwada Police Station on 5th day of every month till further order and maintain record of such attendance, which shall be signed by PSO of that police station and shall be produced before this Court as and when required.
3. Violation of any of the condition may intel a ground for cancellation of bail.
4. Bail application stands disposed of accordingly.

Pune
Date: 31/08/2024

(S.R. Salunkhe)
Special Judge (MCOCA), Pune.