

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

BAIL APPLICATION NO.912 OF 2018

Vishal Sajjan Phalke ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Manoj Mohite with Mr. Vikas B. Shivarkar for the Applicant.

Ms J.S. Lohokare, APP for the Respondent -State.

Mr. Dattatray P. Madane, API Bhartividya Peeth, PS, Pune city, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th SEPTEMBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in C.R. No.197 of 2015 registered at Bharti Vidyapith Police Station, Pune, for the offences punishable under Sections 387 and 323 r/w. 34 of the Indian Penal Code, 1860, Section 37(1) r/w. 135 of the Maharashtra Police Act and Sections 3(1), (II), 3(4) of the Maharashtra Control of the Organised Crimes Act, 1999.

2. Heard Mr. Manoj Mohite, the learned counsel for the Applicant and Ms J.S. Lohokare, the learned APP for the Respondent -State. I have perused the records and considered the submissions

advanced by the learned counsels for the respective parties.

3. The case of the prosecution in brief is that on 8th June, 2015 at about 4.30 p.m. the Applicant and two others put the first informant Satish Wanjale in fear of grievous hurt and death while demanding cash of Rs.5,00,000/-.

4. The records prima facie reveal that the Special Judge (under M.C.O.C. Act), Pune, whilst rejecting the application for bail has recorded the finding that prima facie only one case i.e. crime No.185 of 2015 registered with Bharti Vidyapith police station, Pune, is pending against the Applicant and that requirement of minimum 2 charge sheets having been filed in the past against the accused and the court having taken cognizance of the same, is not met. The learned Sessions Judge therefore, held that prima facie the provisions of M.C.O.C. cannot be invoked. There is no challenge to the said finding. As regards the allegations of putting the complainant in fear, it is seen that the other co-accused, who was involved in the said offence has already been granted bail. The learned counsel for the Applicant has also made a statement that the Applicant will stay away from the jurisdiction of Bharti Vidya Pith Police Station, until further orders and

that he will not interfere with the complainant and the witnesses in any manner. Statement is accepted.

5. In the light of above statement and also considering the fact that the other co-accused are already on bail, in my considered view this is a fit case for grant of bail. Hence, the following order:-

- (i) The application is allowed.
- (ii) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.50,000/- with one or two solvent sureties in the like amount to the satisfaction of the concerned Court.
- (iii) Until further orders, the Applicant shall not enter within the jurisdiction of Bharti Vidya Pith Police Station, except for reporting to the concerned Investigation Officer or Senior P.I.
- (iv) The Applicant shall report to the Investigation Officer or Sr. P.I of the Bharti Vidya Pith Police Station on first Monday of every month until further orders.
- (v) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.

(vi) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)

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