

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1309 OF 2019
IN
CRIMINAL APPEAL NO. 1032 OF 2019

Sandip Ramashray Sharma ... Applicant
Versus

The State of Maharashtra ... Respondent

Mr. Taraq Sayed for the applicant.
Mr.J.P. Yagnik, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.
DATE : SEPTEMBER 25, 2019

P.C.:

Heard respective counsel.

2. The appellant/original accused no. 4 seeks release on bail during the pendency of the appeal. Though he is not found involved in the incident of crime, he has been punished for his association with the organized crimes syndicate under section 3(2) and 3(4) of the MCOC Act.
3. We find that during the trial, he was released on bail by this court and he has obeyed the terms and conditions of the bail. He was arrested on 14/11/2011 and granted bail on 21/8/2013. He has been in custody since the conviction on 12/4/2019.
4. The fact shows that as per prosecution, he arranged fire

arm for accused no. 2 and accused no. 2 is a member of organized crime syndicate by name Ravi Pujari gang.

5. The applicant states that the material on record does not show any knowledge to the applicant of association between accused no. 2 and the said gang. The incident of crime in question has taken place on 25/2/2011 and the Investigating Officer has not found weapon used for shooting or then the weapon allegedly procured by the present applicant and supplied to accused no. 2.

6. Contention is the relationship of the present applicant with the organized crime syndicate itself has not been established. Learned APP has submitted that the present accused has procured weapon for accused no. 2 knowing fully well that the accused no.2 is working for the above mentioned organized crime syndicate and he was also aware of the fact that the weapon was to be used for some crime. He points out that as per the case of prosecution that weapon has been procured in December, 2010.

7. The fact that the weapon allegedly procured by the present applicant has been used on 25/2/2011 is not substantiated. That weapon has not been traced out. In fact the weapon used on 25/2/2011 has also not been traced out. The prosecution does

not point out any role played by the present applicant in the alleged incident of shooting on 25/2/2011.

8. In this situation, we are inclined to release the applicant on bail on the following terms and conditions:

(a) The applicant shall execute personal bond in the sum of Rs.20,000/- before the trial court for proper behaviour and for remaining present on due dates before the Court in the present matter with two independent sureties in the like amount.

(b) He shall not leave Thane District during the pendency of this appeal.

(c) He shall deposit Rs.2,50,000/- out of the fine amount within two months from today.

(d) He shall give address at which he shall always be available during the pendency of this appeal along with his contact numbers.

(e) Similar details in relation to his sureties shall also be furnished.

(f) He shall not in any way directly or indirectly attempt to contact or pressurize either complainant or any of the witnesses in the matter.

(g) He shall keep vakalatnama of his advocate alive and valid till the appeal is finally decided by this Court and shall not be

entitled to any fresh notice at the stage of final hearing.

(h) He shall report to the Superintendent/Registrar of Sessions Court, Thane on first working Monday after every two months as a condition of his release.

(i) His failure to observe any of the terms and conditions shall entitle the respondent State to take him in custody forthwith.

(j) Application is accordingly allowed and disposed of.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)