

Digitally signed by
BHARAT
DASHARATH
PANDIT
Date: 2021.12.06
11:20:39 +0530

3] According to learned Counsel for the Applicant, Applicant is shown to be accused in two Crimes viz in C.R. No.551 of 2018 for the offence punishable under Sections 302, 201, 34 of the IPC and C.R. No.I-472 of 2018 for the offence punishable under Sections 387, 115, 120B, 511 of the IPC, Sections 3, 25 of Arms Act, Sections 37(1), 135 of Maharashtra Police Act read with Section 3(1)(ii), 3(2) and 3(4) of MCOC Act. The accused who are ordered to be released vide aforesaid orders were also accused of involvement in the aforesaid two crimes and as such case of parity has to be inferred in favour of the Applicant.

4] The aforesaid factual matrix in response to the court's query is not disputed by Mr. Patil, learned APP. However, he has tried to justify prayer for rejection on the ground that Applicant is prima faice involved in the offence in question and it can be inferred that there are reasonable grounds for believing that the Applicant is prima facie guilty of the offence of organized crime.

5] Mr. Patil, learned APP would try to substantiate the claim based on the material on record.

6] I have considered the submissions in the backdrop of the findings recorded in the order dated 26/2/2021 passed in BA No. 3452 of 2019 with connected matter and also BA No.3313 of 2019 decided on 25/3/2021.

7] In the aforesaid Applications, the fact that two very offences in which Applicant is named, were very much pending against the Applicant/Accused Raju and other accused named therein. As such, only material available on record is, Applicant alongwith Gang Leader and other accused persons who are Applicants in the aforesaid Bail Applications has committed the organized crime. This Court while allowing all these three applications has gone on record in appreciating the material as sought to be relied upon by the learned APP for opposing the prayer for bail and after analysis has recorded findings that there are reasonable grounds to believe that Applicants are not guilty of offence of organized crime. Once this court, on similar set of facts, after appreciating the evidence against the accused persons has recorded findings referred to above, in my opinion, the case of the Applicant is squarely covered by the aforesaid two orders. As such, this Court for the reasons stated in the aforesaid two orders

has reason to believe that there exists reasonable grounds to believe that Applicant is prima facie not guilty of the offence of organized crime. That being so, Applicant is entitled to be released on bail.

8] In the result following order is passed:-

ORDER

(i) Application is allowed.

(ii) Applicant – Anju @ Prabhakar Manoj Singh shall be released on bail in C.R. No. I-472 of 2018 registered with Narpoli Police Station, Thane on furnishing P. R. Bond to the extent of Rs 50,000/- with one or more local sureties in the like amount.

(iii) Applicant shall furnish his residential address as well as permanent address and contact details to the Investigating Officer within seven days of his release from jail and shall also intimate the Investigating Officer about the change of address, if any.

(iv) Applicant shall mark his attendance in the Special Court on first Monday of every month between 10.00 A.M. to 12.00 Noon.

(v) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer.

(vi) Applicant shall not tamper with the prosecution evidence.

(NITIN W. SAMBRE, J.)