

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

BAIL APPLICATION NO. 1491 OF 2019

Rani Anil Kalel

..Applicant

v/s.

The State of Maharashtra

..Respondent/s

Mr. Satyavrat Joshi for the Applicant.

Mr. S.V. Gavand, APP for the Respondent-State.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : JULY 19, 2021.

P.C.

1. This is second application for bail, filed by the Applicant who is facing trial in Special Case, MCOC Case NO.17 of 2016 pending on the file of the Special Judge, Pune. The said case arises from C.R.No.116 of 2015, registered with Sanjay Nagar Police Station, Sangli for the offences punishable under Section 302, 364, 364(A), 118, 212, 120(B) of Indian Penal Code and under Section 3 (25) and 4(25) of Arms Act, and under Section 3(1)(i), 3 (2), 3 (3), 3(4) of Maharashtra Control of Organized Crimes Act, 1989 (MCOC Act). The previous bail application is rejected by this Court (Coram : T.V. Nalawade, J.) by order dated 22.8.2017.

2. The case of the prosecution is that leader Mohd. Nadaf was a member of a gang. He was in jail in connection with some crime registered against him. It is alleged that while said Mohd. Nadaf was in jail, deceased Manoj had developed illicit relationship with wife of Mohd. Nadaf. It is the case of the prosecution that when Mohd. Nadaf was released on bail, he had asked the deceased to give him Rs.2,00,000/-, due to which there was dispute between him and the deceased. Subsequently, said Manoj was brutally murdered and investigation revealed that the main Accused Mohammad had planned the murder. Crime was registered against the Applicant and the other accused for aiding and abetting the death of Manoj by entering into criminal conspiracy to cause death of Manoj.

3. It is alleged that Dilshad, wife of gang leader Mohammad used to give information to her husband Mohammed about the movements of the deceased. Whereas, the material collected against the present Applicant shows that she used to supply food and had provided shelter to the main accused Mohd. Nadaf and co-accused Sagar Shendage. The previous bail application filed by the Applicant was rejected mainly on the ground that

application filed by Dilshad, wife of the main accused was rejected.

4. Shri Joshi, learned Counsel for the Applicant has placed on record, copy of Bail Application No. 2978 of 2019, wherein this Court (Coram Prakash D. Naik, J.) has released Dilshad on bail. This Court has observed that Dilshad had not participated in any crime along with the gang leader and that the only allegations against her were that she had provided some SIM cards to her husband Mohd. This Court also observed that the other co-accused were granted bail. This Court observed that as far as accused Dilshad is concerned, apart from providing SIM cards, no other over act was attributed to her.

5. In the present case, the allegations levelled against the Applicant are similar. In the present case, apart from the accusation that she had supplied food and shelter to accused Mohd. Nadaf, and there is no other material to indicate that she had committed any overt act or that she had entered into a conspiracy to eliminate the deceased. Restriction under Section 21(4) of MCOC Act would not be an impediment to grant bail to the Applicant. There are no criminal antecedents against the

Applicant. She is in custody since 13.11.2015. Considering this fact, and also the principles of parity, the Applicant is entitled to be released on bail by imposing certain conditions. Hence the following order:

- (i) Application is allowed.
 - (ii) The Applicant is directed to be released on bail in connection with C.R.No. 116 of 2015 registered with Sanjay Nagar Police Station, Sangli, on executing PR. Bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
 - (iii) The Applicant shall report to the concerned Police Station, once in three months on first Saturday of the month between 11.00 a.m. to 1.00 p.m. till further order.
- .Application stands disposed of accordingly.

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(ANUJA PRABHUDESSAI, J.)