

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

BAIL APPLICATION NO. 2728 OF 2019

Anil Tanaji Mali Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mrs. Shubhada Khot a/w. Mr. Danish Patel for the Applicant.
Mr. S.V. Gavand, APP for the State.
Mr. Arun J. Dubke, Police Constable, Karad Police Station,
Satara present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th DECEMBER, 2021.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant (accused no.4) who is facing trial in Special Case No.71/2020, Karad, Satara for offences punishable under sections 201, 302, 392 120-B r/w. 34 of the Indian Penal Code and sections 3(25) of the Arms Act and under sections 3(1)(i), 3(1)(ii), 3(2), 3(4), 3(5) of Maharashtra Control of Organized Crime (MCOC) Act, 1999, for release on bail.

2. Heard Mrs. Shubhada Khot, learned counsel for the Applicant, Mr. S.V. Gavand, learned APP for the State. I have perused the records

and considered the submissions advanced by the learned counsel for the respective parties.

3. The crime against the Applicant was registered pursuant to the First Information Report (FIR) lodged by Siddharth @ Manoj Anil Pawar. It is the case of the prosecution that the deceased – Mayur was having illicit relationship with the wife of accused no.1 – Vaibhav. He therefore hatched a conspiracy to eliminate Mayur. It is stated that the accused no.1 contacted accused no.2 – a gang leader and gave him a contract to kill Mayur. Accordingly, accused no.2 hired accused nos.3, 4, and 5 to execute the plan and to cause death of Mayur. It is alleged that in pursuance of the conspiracy hatched by the accused, accused nos.2, 3, 4 and 5 committed murder of Mayur on 09/06/2014. It is alleged that the accused no.1 paid the money to accused no.6 which was to be paid to the accused no.2.

4. The records reveal that the accused no.1 who had allegedly hatched the conspiracy has been released on bail by the Apex Court and the accused no.6 who had collected the money from the accused no.1 has been released on bail by this Court by order dated 13/02/2017 passed in Bail Application No.517/2015.

5. The role attributed to the Applicant (accused no.4) is that on the relevant date, he had brought accused no.5 to the place of the incident on his motorcycle. The material on record does not prima facie indicate that the Applicant (accused no.4) was involved in inflicting injury on the deceased – Mayur. It is stated that the Applicant has no criminal antecedents. The Applicant is in custody since 2014. It is stated that the charge has been framed but the witnesses are not yet examined.

6. Considering the nature of the accusations as against this Applicant, in my considered view, this is a fit case to release the Applicant on bail. Hence, the Bail Application is allowed on following terms and conditions :-

(i) The Applicant (accused no.4) who is facing trial in Special Case No.71/2020, Karad, Satara is ordered to be released on bail on furnishing PR bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount.

(ii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any

person concerned with the case;

(iii) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(iv) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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