

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 91 OF 2022

Nayan Rajendra Tandale	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Satej S. Jadhav, Advocate for applicant
Mr. A. V. Deshmukh APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 25th JULY, 2022

PER COURT :-

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0504/2020, registered with Supa Police Station, District Ahmednagar, for the offences punishable under Sections 395, 341 of the Indian Penal Code and under Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act.

2. Heard.

Perused the First Information Report (FIR) and the related police papers.

3. The FIR has been lodged by the informant himself on 25.12.2020. It is alleged therein that the informant along with others was proceeding in his car on 24.12.2020. It was about 11.00 p.m., they passed by toll plaza of Supa. Just 100 feet away therefrom, six persons came on two motorbikes and intercepted their way. The informant was made to alight from the vehicle. He was robbed of Rs.5000/- and was assaulted as well. The companion of the informant was robbed of Rs.2000/-. He too was assaulted with fist blows. As such, initially Crime No.403/2020 for the offences punishable under Sections 395, 341 of the Indian Penal Code came to be registered.

4. During investigation, it was found to be an offence of the organised crime punishable under Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act.

5. In test identification parade, the applicant and co-accused have been identified by the victim. On investigation, the charge-sheet has been filed.

6. The learned APP would submit that a sum of Rs.4500/- came to be recovered from the applicant herein. According to him,

the applicant has criminal antecedents. He, therefore, urged for rejection of the application.

7. The learned Advocate for the applicant would, on the other hand, submit that all the co-accused have been granted bail. The applicant has become entitled for bail on parity. According to him, the amount involved was Rs.7,000/-. Since the provisions of MCOCA have been invoked against the applicant and the co-accused, they could be said to have been members of organised crimes syndicate. Out of six accused persons who participated in the offence, one is at large and four of five have been granted bail.

8. Considering the nature of offence and since the similarly placed co-accused have already been granted bail, the application is allowed in terms of the following order.

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0504/2020, registered with Supa Police Station, District Ahmednagar, for the offences punishable under Sections 395, 341 of the Indian Penal Code and under Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, on

his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.

(iii) The applicant shall mark his presence at Tofkhana Police Station, district Ahmednagar, on alternate day between 11.00 p.m. and 12.00 midnight, till further orders.

(iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS