

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

BAIL APPLICATION NO. 787 OF 2022

Rakesh Aabalal Sonar	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Manezes Joslyn A., Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 12th SEPTEMBER, 2022

PER COURT :-

. 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.0150/2017, registered at Dhule City Police Station, District Dhule, for the offences punishable under Sections 302, 120-B, 143, 147, 148, 149, 212, 504, 506 r/w 34 of the Indian Penal Code, under Sections 3/25, 4/25 of the Indian Arms Act, under Sections 3 & 7 of the Criminal Amendment Act and under Section 3(1)(i), 3(1)(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organized Crime Act(MCOCA).

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

This is successive application for bail. The earlier application was rejected way back in 2020. The applicant is asking bail mainly on the ground of parity and long incarceration.

3. The learned APP would submit that the applicant's involvement in the offence punishable under the MCOCA is writ large. There is, therefore, interdict in view of Section 21(4)(b) of the said Act to grant bail. He would further submit that it is a case of gang war. The deceased have brutally murdered. He, therefore, urged for rejection of the application.

4. True, the offence is serious one. Admittedly, the applicant is not alleged to have participated in the commission of the murder and the organized crime. Admittedly, he is an accessory post commission of the crime. The applicant is alleged to have driven the main culprits to Sangamner in his car immediately after the offence. He was seen in the company of the main accused for purchasing of clothes in a garment store. As such, the applicant is alleged to have harboured the members of organized crime indicate who committed an organized crime.

5. It is true that there is material to indicate the applicant's involvement in the alleged crime. It is reiterated that he is accessory post commission of the crime. He is alleged to have harboured the main culprits. The fact is that the applicant is in jail for little over five years. Even the charge has not yet been framed. Considering the applicant's role in the alleged crime and the fact of his incarceration for little over five years, this Court is inclined him to grant bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0150/2017, registered at Dhule City Police Station, District Dhule, for the offences punishable under Sections 302, 120-B, 143, 147, 148, 149, 212, 504, 506 r/w 34 of the Indian Penal Code, under Sections 3/25, 4/25 of the Indian Arms Act, under Sections 3 & 7 of the Criminal Amendment Act and under Section 3(1)(i), 3(1)(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organized Crime Act(MCOCA), 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 attend the concerned police station on alternate days between 11.00 a.m. and 12.00 noon, until conclusion of the trial.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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