

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

BAIL APPLICATION NO. 1090 OF 2022

Rahul Niravashya Bhoasale	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Anil M. Gaikwad, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.
DATED : 06th SEPTEMBER, 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.0184/2021, registered at Ahmednagar Taluka Police Station, District Ahmednagar, for the offences punishable under Sections 395, 120(b) of the Indian Penal Code and under Sections 3(1)(ii), 3(2) and 3(4) of the MCOC Act.

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

The FIR has been lodged by the victim himself on 15.04.2021. It is his case that he had received a phone call of one

claiming to be Yadav. He offered the informant Gemini edible oil at concessional rate. The informant agreed to buy the same. The caller asked the informant to come village Khadki, taluka district Ahmednagar. The informant along with his friend Rampal Khandagale went there in a tempo – MH-42-AQ-4313. On way, the caller Yadav again called the informant and told that one of his relatives has passed away, and therefore he was required to go there. He further told him that a person by name Jadhav would receive him to deliver tins of edible oil. After a while, the person by name Jadhav called the informant. He met him at village Khadki. The informant obtained Rs.60,000/- from ATM. Jadhav accompanied by one person took the informant and his companion to nearby secluded place. Three unknown persons had already been hidden there. All of them beat up the informant and his companion. Both of them were robbed of Rs.60,000/- cash and two cell phones.

3. The learned Advocate for the applicant would submit that the applicant is in jail for about 1 ½ year. Trial has not commenced. All the co-accused have been granted bail. He, therefore, urged for grant of application.

4. The learned APP would, on the other hand, submit that it is a serious offence. Provisions of MCOCA have been invoked. The applicant has criminal antecedents. Rejection of the application was therefore urged for.

5. On investigation, the charge-sheet has been filed. The applicant is in jail for little over 16 months. Trial has not yet commenced. All the similarly placed co-accused have been enlarged on bail. True, the applicant has criminal antecedents. The provisions of MCOCA have also been invoked. Since the co-accused against whom MCOCA have been invoked, were granted bail, the applicant is also entitled for grant of bail on the ground of parity. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0184/2021, registered at Ahmednagar Taluka Police Station, District Ahmednagar, for the offences punishable under Sections 395, 120(b) of the Indian Penal Code and under Sections 3(1)(ii), 3(2) and 3(4) of the MCOC 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 attend the concerned police station every day between 11.00 a.m. and 12.00 noon, till conclusion of trial.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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