

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4447 OF 2021

Shri. Ramjan Ayub Shaikh ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Amol B. Patil, Advocate, for the Applicant.

Mr. A. R. Kapadnis, APP, for the Respondent/State.

Mr. Ajit Tike, API, Sangli City Police Station, present.

CORAM : N.R. BORKAR, J.
DATE : 10.11.2022.

PC. :

1. This is an application under Section 439 of the Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 281/2020 registered at the Sangli City Police Station for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code, under Section 4 read with 25 of the Arms Act 1959, under Sections 37(1), 37(3) read with 135 of the Maharashtra Police Act and under Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (in short MCOC Act).
3. It is the case of prosecution that on 03/09/2020, the

present applicant, alongwith other co-accused, assaulted Rakesh Pujari and attempted to kill him. As the applicant and other co-accused were found to be a member of Organized Crime Syndicate, the offences punishable under the MCOC Act were invoked.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant has tendered a copy of the order passed by this Court dated 10/10/2022 in Criminal Bail Application No. 3816 of 2021 and submitted that the role attributed in the alleged crime to the present applicant and the co-accused - Arbaj Majagaonkar, who has been released on bail by said order, is identical. It is submitted that considering this fact, the applicant may be released on bail on the ground of parity.

6. The learned APP submits that the present applicant is involved in four more criminal cases, out of which, one case is for the offences punishable under the MCOC Act. The learned APP submits that there is a recovery of weapons at the instance of the present applicant. It is, thus, submitted that benefit of parity cannot be extended to the present applicant.

7. I have perused the order by which this Court has released the co-accused - Arbaj Majagaonkar on bail. In addition to the present crime, said co-accused was involved in five more crimes. The learned

APP has not disputed that role assigned to the present applicant in present crime and that to co-accused - Arbaj Majagaonkar is identical. The applicant is in jail for more than 2 years. Considering these facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

ORDER

- A] The Bail Application is allowed.
- B] The applicant be released on bail in Crime No. 281/2020 registered at the Sangli City Police Station for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code, under Section 4 read with 25 of the Arms Act 1959, under Sections 37(1), 37(3) read with 135 of the Maharashtra Police Act and under Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act 1999 (in short MCOC Act) on furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C] The applicant shall not enter the revenue district of Sangli till conclusion of trial except to attend the dates before the trial Court that too with previous intimation to the Sangli City Police Station.

- D] The applicant shall furnish the address where he is going to reside after his release and his mobile number to the Sangli City Police Station and shall attend the police station within whose jurisdiction he is going to reside, once in a month, i.e. on first working Saturday between 11.00 a.m. to 2.00 p.m., till conclusion of the trial.

[N.R.BORKAR, J.]