

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.75 OF 2022

Amol Haribhau Kalekar ...Applicant
Vs.
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.588 OF 2022
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.75 OF 2022**

Vishal Ramesh Mandlik ...Applicant

**NILAM
SANTOSH
KAMBLE**
Digitally signed by
NILAM SANTOSH
KAMBLE
Date: 2022.03.23
10:15:35 +0530

IN THE MATTER BETWEEN

Amol Haribhau Kalekar ...Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Amey Deshpande for the Applicant.
Mr.R.M. Pethe, APP for the Respondent-State.
Mr.Akshay Bankapur for the Intervenor.
Mr.Ganesh Nhayade, PI, Nashik City Police Station.

CORAM : C.V. BHADANG, J.

DATE : 21 MARCH 2022

P.C.

. By this Application, the Applicant-Amol Kalekar, who is a co-accused in Crime No.37 of 2021 registered with Gangapur Police Station, Nashik, under Section 302, 120-B, 201, 115, 109, 419, 420, 465, 467, 468, 471 read with Section 34 of

the Indian Penal Code and Section 3(1)(i)(ii), 3(2), 3(4) and 3(5) of the Maharashtra Control of Organized Crime Act, 1999 (for short 'the MCOC Act') is seeking anticipatory bail.

2. I have heard the learned counsel for the parties. Perused record.

3. The learned counsel for the Applicant pointed out that the co-accused Mr.Gokul Kasinath Avhad, having a similar role, has been granted anticipatory bail by this Court on 22 December 2021 in ABA No.3019 of 2021. It is submitted that the role attributed to Mr.Gokul Avhad is that he had signed as a witness on the Sale Deed dated 29 May 2017, between Nitesh Sing and Abasaheb Bhadange as Vendors and Muktabai Valu Mandalik @ Muktabai Eknath Motkari as the Vendee. It is submitted that the present Applicant is shown to have drafted the Sale Deed. He therefore submitted that the roles are similar. The learned counsel for the Applicant pointed out that the Competent Authority has not granted sanctioned qua the present Applicant for prosecution under the MCOC Act.

4. The learned Additional Public Prosecutor assisted by the learned counsel for the intervenor/informant submits that the unlawful activities of the Organized Crime Syndicate are in two parts. It is submitted that the first part comprises of the

identification of the properties which are subject matter of litigation and of contacting the concerned parties and the documentation of the conveyance/transfer deeds. The second part involves the actual commission of the offence in order to cause wrongful gain to the syndicate.

5. The learned Additional Public Prosecutor pointed out that the Applicant is party to the documentation part, inasmuch as he is shown to have drafted the Sale Deed.

6. I have considered the circumstances and the submissions made.

7. It is a matter of record that the Competent Authority has not granted sanction qua the present Applicant for prosecution under the MCOC Act.

8. The record discloses that by an order dated 13 January 2022 interim protection was granted to the Applicant, *inter alia* on the condition of attendance with the concerned Police Station. The learned counsel for the Applicant pointed out that the Applicant has reported to the Investigating Officer and has co-operated in the matter of investigation.

9. It can be seen that the only role attributed to the Applicant is that he had drafted the Sale Deed dated 29 May

2017, as referred above. There is no role attributed to the Applicant of involvement in the actual incident, in which the deceased Ramesh Valu Mandlik was done to death.

10. In such circumstances, the Criminal Application is disposed of in terms of the order dated 13 January 2022 which is hereby made absolute.

11. This shall be subject to the condition that the Applicant shall report to the Investigating Officer as and when required and shall co-operate with investigating agency and shall not tamper with the prosecution evidence/witnesses.

12. Interim Application for intervention is disposed of.

C.V. BHADANG, J.