

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 441 OF 2022

Nilesh Balu Sargar

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Nagesh Y. Chavan, for the Applicant.

Mr. V.B. Konde-Deshmukh, APP, for the Respondent/State.

Mr. Ajit Tike, SDPO, Sangli City, present.

CORAM : N.R. BORKAR, J.

DATE : 25.11.2022.

PC. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 116 of 2015 registered at Sanjay Nagar Police Station, Sangli, for the offence punishable under Sections 302, 364, 364(a), 118, 212, 120-B of the Indian Penal Code (in short I.P.C.) and Section 3(25) and 4(25) of the Arms Act and Section 3(1)(i), 3(2), 3(3), 3(4), 3(5) of the Maharashtra Control of Organized Crimes Act, 1989 (in short MCOC Act).

3. According to the prosecution, the present applicant along with other co-accused committed murder of the deceased, as he was not paying extortion money to them. During the course of investigation the co-accused in the present crime namely Nadaf Shaikh was found to be operating organized crime syndicate and thus the offences under

MCOC Act were invoked.

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

5. The applicant is not involved in any other crime with alleged gang leader Nadaf Shaikh. There are no other criminal antecedents. The applicant is in jail for about seven years. Prima facie there appears to be no incriminating evidence to connect present applicant with the crime question. Considering the facts and circumstances, I am inclined to release the applicant on bail. In the result, following order is passed:

ORDER

- A) The Bail Application is allowed.
- B) The applicant be released on bail in Crime No. 116 of 2015 registered at Sanjay Nagar Police Station, Sangli, for the offence punishable under Sections 302, 364, 364(a), 118, 212, 120-B of the I.P.C. and Section 3(25) and 4(25) of the Arms Act and Section 3(1)(i), 3(2), 3(3), 3(4), 3(5) of the MCOC Act, on furnishing P.R. 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 attend the concerned Police Station once in a month i.e. on the first Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.

[N.R.BORKAR, J.]