

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 355 OF 2022

Shekhar Dattatray Kalkutaki ...Applicant

V/s.

The State of Maharashtra ...Respondent

Ms. Rui Danawala i/b Mr. Umesh Mankapure, Advocate, for the Applicant.

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

Mr. Vijay Koli, ASI, Juna Rajwada Police Station, District Kolhapur, present.

CORAM : N.R. BORKAR, J.
DATE : 24.11.2022.

PC. :

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

2. The applicant came to be arrested in Crime No. 202 of 2018 registered at Juna Rajwada Police Station, District Kolhapur, for the offence punishable under Sections 364(a), 386, 120(b) read with 34 of the Indian Penal Code and under Sections 3(1)(ii), 3(2), 3(4) and 3(5) of the Maharashtra Control of Organized Crime Act (in short MCOC Act).

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

4. According to the prosecution on 29/04/2018, the applicant alongwith other co-accused abducted the complainant and demanded Rs. 25,00,000/-. According to the prosecution, the complainant was released only after the amount of Rs. 70,000/- was paid to the applicant and other co-accused. During the course of investigation applicant and other co-accused were found to be member of Organized Crime Syndicate and thus the provisions of the MCOC Act were invoked against them.

5. The learned counsel for the applicant has placed on record a copy of order dated 30/11/2021, in Bail Application No. 1036 of 2019. The learned counsel for the applicant submits that by the said order this Court has released the gang leader of alleged Organized Crime Syndicate. The learned counsel for the applicant has also placed on record a copy of order dated 20/01/2022 in Bail Application No. 3300 of 2021, by which this Court has released the co-accused in the present crime on bail and according to the learned counsel for applicant, the role attributed to the present applicant and the said co-accused is identical. The learned counsel for the applicant submits that the applicant is thus entitled to be released on bail on the ground of parity.

6. On the other hand, the learned APP for the respondent/State submits that the gang leader was not present at the time of the present crime. It is submitted that the applicant is involved

in three more crimes. It is submitted that considering the nature of the offence, the applicant may not be released on bail.

7. The learned APP has not disputed that this Court has released gang leader on bail. The learned APP has also not disputed that the role attributed to the co-accused to whom this Court has released on bail and role attributed to the present applicant is identical. The applicant is in jail for more than four years and charge is yet to be framed.

8. 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. 202 of 2018 registered at Juna Rajwada Police Station, District Kolhapur, for the offence punishable under Sections 364(a), 386, 120(b) read with 34 of the Indian Penal Code and under Sections 3(1)(ii), 3(2), 3(4) and 3(5) of the MCOC Act, on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one or two sureties in the like amount.
- C] The applicant shall not enter into the limits of Kolhapur, Ichalkaranji and Karvir Taluka, except to attend the dates before the Trial Court till conclusion of trial.

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

[N.R.BORKAR, J.]