

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

BAIL APPLICATION NO. 908 OF 2021

Vikas Shivaji Aldar	 Applicant
v/s.	
The State of Maharashtra	
(Through Baramati City Police Stn.	 Respondent

Mr. Satyavrat Joshi a/w. Jayawant D.Mane a/w. Samay Pawar
for the Applicant.

Ms. V. Shinde, APP for the State.

API Kuldeep D Sankpal, Baramati City Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd NOVEMBER, 2022.

P. C. :-

1. This is an Application under section 439 of Cr.P.C. filed by the aforesaid Applicant who is facing trial in MCOC Special Case No.40/2019 pending on the file of learned Additional Sessions Judge, Pune, for offences under Sections 384, 385, 386, 120b, 506, r/w. Section 34 of the Indian Penal Code and offences under sections 3(i)(ii), and 3(4) of the Maharashtra Control of Organized Crime (MCOC) Act, 1999.

2. Heard Mr.Satyavrat Joshi, learned counsel for the Applicant and Ms.V. Shinde, learned APP for the State. I have

perused the records and considered the submissions advanced by learned counsel for the respective parties.

3. Pursuant to the FIR lodged by Annasaheb Balwant Rupamwar C.R.NO.378/2019 was registered against the applicant and other co-accused with Baramati City Police Station. The case of the prosecution is that accused no.1 and others demanded money from the complainant by threatening to make his obscene video clips viral. It is stated that the trap was laid and the accused were apprehended while accepting an amount of Rs.4,90,000/-.

4. Prima facie, there is no material on record to show that the applicant had raised such demand. The Applicant is in custody since 10/5/2021. The co-accused Tatyasaheb Karande against whom similar accusations are made, has been released on bail by this Court on 14/10/2022, in Criminal Bail Application No.684/2020. While releasing the co-accused on bail, this Court has observed that prima facie applicability of Section 386 of IPC, is doubtful. The other offences under IPC are punishable with maximum punishment of 3 years. Hence, the applicability of the provisions of MCOCA Act, against this

applicant is also doubtful. Considering the above facts and circumstances the applicant is released on bail on following terms and conditions:

- (i) Bail application No.908/2021 is allowed.
- (ii) The applicant Vikas Shivaji Aldar who is facing trial in MCOC Special Case No.40/2019 pending on the file of learned Additional Special Judge, Pune, is directed to be released on bail on executing PR Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report to Baramati City Police Station once in a month on every first Monday between 11.00a.m. and 1.00p.m. till further orders.
- (iv) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (vi) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.
- (vii) Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)