

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

CRIMINAL BAIL APPLICATION NO. 1168 OF 2022

Sushil Rajendra Jhala	...Applicant
Versus	
The State of Maharashtra	...Respondent

....

Ms. Anjali Patil i/by Mr. Anilkumar Patil, Advocate for the Applicant.
Mr. A. A. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st OCTOBER, 2022.

P.C.

1. The applicant is seeking bail in connection with C.R. No.I-314 of 2021 registered with Vadgaon Nimbalkar Police Station for offence under Sections 395, 397, 364(a), 368, 341, 342, 120-B, 323, 504 and 506 of Indian Penal Code (for short 'IPC'). Subsequently, provisions of Maharashtra Control of Organized Crime Act, 1999 (for short 'MCOC Act') were applied and the offences were registered under Sections 3(1)(ii), 3(4) of MCOC Act.

2. The case of the prosecution is that on 24th June, 2020, boxes of cigarettes valued Rs.4,61,88,820/- were loaded from ITC Company, Ranjangaon in the truck for transporting them to Hubli, Karnataka. The complainant was working as a driver on the said truck. He was proceedings towards Hubli, Karnataka. At about 2:00 p.m., three

SUNNY
ANKUSHRAO
THOTE

Digitally signed
by SUNNY
ANKUSHRAO
THOTE
Date: 2023.02.24
16:31:19 +0530

persons entered in his truck on driver's side. He was assaulted. Two persons entered from cleaner's side. One of them was armed with sickle. The complainant was tied by towel. He was assaulted. The truck was taken to some location. About five persons were involved in crime. The complainant was dropeed at Tembhurni Solapur. The accused took away truck with goods. The complainant gave information to his employer. The accused transferred the goods to another vehicle. The accused were involved in similar crime in past. Police on patrolling duty identified one of the suspect and noted suspicious number plate of vehicle and chased their vehicle. Accused were accosted. Substantial goods were recovered. Complaint was lodged with the Police Station. Investigation was completed and charge-sheet was filed.

3. The applicant preferred an application for bail before the Special Court. The said application was rejected vide order dated 27th August, 2021.

4. Learned Advocate for the applicant submitted that there is no evidence to link the applicant with the crime. The provisions of MCOC Act are not applicable against the applicant. The applicant is in custody from the date of his arrest. The applicant was granted bail in C.R. No.102 of 2019 registered with Shikrapur Police Station

and C.R. No. 910 of 2019 registered with Yawat Police Station.

5. Learned APP submitted that the crime was committed by the gang. Provisions of MCOC Act are applied in this case. There is evidence supporting involvement of the applicant in the crime. The offences is of serious nature. The accused are members of organize crime syndicate headed by Kalyansingh Chauhan. Tetst identification parade was conducted. The applicant is identified by witness. The applicant is involved in two other cases registered with Yawat Police Station and Shikrapur Police Station.

6. Stolen goods are recovered. The applicant is granted bail in two other cases. There is no recovery from the applicant. The applicant was not armed with any weapon. No role has been assigned by the identifying witness to the applicant. The accused were apprehended together and put up for identification. The complainant was blind folded. There is no evidence to show that applicant was continuously involved in unlawful activities as member of crime syndicate.

7. Considering the nature of evidence, bail can be granted to the applicant.

ORDER

- i. Criminal Bail Application No. 1168 of 2022 is allowed.

- ii.** The applicant is directed to be released on bail in connection with C.R. No.I-314 of 2021 registered with Vadagon Nimbalkar Police Station on executing P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;
- iii.** The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- iv.** The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- v.** The applicant shall not tamper with the evidence.
- vi.** Application stands disposed of accordingly.

[PRAKASH D. NAIK, J.]