

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2489 OF 2021

Shri. Ajit Appaso Naik ...Applicant
V/s.
The State of Maharashtra ...Respondent

Ms. Sakshi S. Kadam, Advocate, for the Applicant.
Mr. A. R. Kapadnis, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 14.11.2022.

PC. :

1. This is an application under Section 439 of the Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 142/2017 registered at Shahapur Police Station, District Kolhapur, for the offences punishable under Sections 384, 386, 325, 507 read with 34 of Indian Penal Code and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (in short MCOC Act).
3. According to the complainant- Deepak Powar he is in the business of construction. Co-accused Pravin Rawal approached him and demanded Rs. 20,000/- per month for not disturbing his construction work. It is alleged that on 02/05/2016 the co-accused

Pravin Rawal assaulted the complainant for non-payment of extortion money. It is alleged that the complainant thereafter started paying the extortion money to the co-accused Pravin Rawal. The allegations against the present applicant are that present applicant used to collect the extortion money from the complainant.

4. The learned counsel for the applicant has placed on record copy of the order dated 20/01/2021 passed by this Court in Criminal Bail Application No.1138 of 2019, by which this Court has released co-accused on bail.

5. The learned counsel for the applicant submits that the role attributed to the present applicant and co-accused- Shridhar Ghasti to whom this Court has released on bail is identical. It is further submitted that the applicant is in jail for about five years.

6. On the other hand, learned APP for the respondent/State submits that the benefit of parity cannot be extended to the present applicant, as the applicant is involved in two more crime. It is submitted that considering the nature of the offence, the applicant may not be released on bail.

7. I have perused order of this Court. Perusal of the said order and more particularly paragraph No. 6 would show that the role attributed to the present applicant and co-accused Shridhar Ghasti is

identical. Considering this fact and as the applicant is in jail for about five years, I am inclined to release him on bail on certain conditions. Hence, the following order is passed:

ORDER

- A] The Bail Application is allowed.
- B] The applicant be released on bail in Crime No. 142/2017 registered at Shahapur Police Station, District Kolhapur for the offences punishable under Sections 384, 386, 325, 507 read with 34 of Indian Penal Code and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (in short 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 stay at Ichalkaranji, Taluka Hatkanangle, District Kolhapur, till conclusion of trial and shall seek permission of trial Court, if he required to enter the said city.
- D] The applicant shall furnish to the Investigating Officer the address where he is going to reside after his release and his mobile number and shall attend the police station within whose jurisdiction he is going to reside, once in a month,

i.e. on the first working Saturday between 11.00 a.m. to 2.00 p.m., till conclusion of the trial.

[N.R.BORKAR, J.]