

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

CRIMINAL BAIL APPLICATION NO. 3159 OF 2021

Avinash Ramesh Salave	...Applicant
Versus	
The State Of Maharashtra And Anr	...Respondents

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Mr. Sachin S. Deokar, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th OCTOBER, 2022

PER COURT:

1. This is an application for bail in connection with C.R. No. 86 of 2019 registered with Kamshet police station, Pune for offences punishable under Sections 364(A), 386, 324, 323, 504, 506 read with 34 of the Indian Penal Code and Section 3(1)(i)(ii), 3(4) of the Maharashtra Control of Organised Crime Act (for short “MCOC”).

2. The case of the prosecution is that the first informant Rajendrasingh Parmar is the cloth merchant. He came in contact with Swati Shelke. On 29.10.2019 she called the informant to meet her and accordingly the informant reached at Talegaon at around 12:00 noon. She gave offer

to have sex with the informant and accordingly they went to lodge. After having physical relationship Swati Shelke told him to leave the lodge. When the informant was about to return back, five unknown persons came their and forcefully took him with them. They took his mobile phone. He was taken to unknown place. They called their leader Yuvraj Mane and the informant was taken to dilapidated house. Yuvraj Mane came to the spot. Accused took cash amount of Rs.1,500/-. Complainant was assaulted by iron pipe and bamboo stick. The accused demanded Rs.25 lakhs from him. The first informant expressed inability to pay the amount. The applicant was called to act as mediator. After their dialogue it was decided that the informant should pay two lakhs on the same day. The applicant gave internet access to the informant and amount of Rs.90,000/- was transferred by the informant from his bank account in the name of one lady. Rs.6,000/- were also transferred from the account of first informant. He was asked to pay balance amount on 06.10.2019, the informant was dropped at his destination by the applicant.

3. Learned advocate for the applicant submitted that the applicant has no link with the crime syndicate. The

applicant was called at the spot on account of information provided by the informant himself. The applicant has no other criminal antecedents. Provisions of MCOC Act cannot be invoked against him.

4. Learned APP submitted that the applicant was called by the accused at the spot. This would show his connection with the crime syndicate. Provisions of MCOC Act are invoked against him. Bail may not be granted to the applicant.

5. Undisputedly, there are no criminal antecedents against the applicant. There are no past activities between the applicant and the member of gang. The statement of the informant would indicate that the informant had disclosed the contact of the applicant. Thus, it is debatable that MCOC may be invoked against the applicant. The applicant is in custody from the date of arrest. The rigor of Section 21(4) would not be bar in facts of this case to grant bail to the applicant. Swati Shelke has been granted bail by this Court. Co-accused Nandu Bhoine is granted bail by this Court vide order dated 10.03.2022. Bail can be granted to the applicant on certain terms and conditions.

ORDER

- (i) Criminal Bail Application No. 3159 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 86 of 2019 registered with Kamshet police station, Pune on executing P.R. Bond in the sum of Rs.25,000/- with one or more 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) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)