

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

BAIL APPLICATION NO.3581 OF 2021

Pramod Appa More

Aged about 43 years, Occ:Business

Residing at Koregaon, Tal.Koregaon

Dist.Satara

(at present in Yerawada Central Jail)

...Applicant.

Versus

The State of Maharashtra

(at the instance of Satara City Police

Station, Satara, vide C.R.No.511/2017)Respondent.

...

Mr Nitin Deshpande a/w Advocate Kanchan Phatak, Advocate for
the Applicant.

Mr V.B. Konde Deshmukh, APP for the State.

...

CORAM : R. N. LADDHA, J.

DATE : 19 DECEMBER 2022.

P.C.:

Heard Mr Nitin Deshpande, learned Counsel
appearing on behalf of the Applicant and Mr V.B. Konde
Deshmukh, learned Additional Public Prosecutor for the
Respondent State.

2. By this application, the Applicant is seeking bail in
connection with C.R.No.511 of 2017 registered at Satara City

Police Station, Satara, against the Applicant for the offences punishable under Sections 395, 323, 365, 120-B of the Indian Penal Code, Sections 3(1)(ii), 3(2), 3(4), of the Maharashtra Control of Organised Crime, 1999 and Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. The case of the prosecution is that the First Informant, Amir Hussain Shaikh, had availed a loan of Rs.2,00,000/- from Accused No.1 Pramod Dharashivkar in June 2014, as he had to pay dues for purchased Innova Car bearing No.MH-23-E-2999. The first informant agreed to pay an interest of 10% per month on the said amount. However, he could not pay the interest amount as agreed. After that, in November 2014, the Applicant, along with other co-accused persons, met the informant and demanded Rs.2,00,000/-. When the informant expressed his inability to pay the said amount, all the accused forcibly took him to the office of RTO along with said Innova car and compelled him to make a signature on the transfer form for transfer of Innova car and then executed Notary Agreement. The Accused then took away the car and sold it. It is alleged that the Applicant is actively engaged in searching the persons who are in need of loan amount and used to take them to Accused No.1. It is alleged that all the accused were in contact with each other.

4. Mr Nitin Deshpande, learned Counsel appearing on behalf of the Applicant, submitted that the Applicant has been

languishing in jail for more than five years. It is also an admitted position that out of ten accused, eight have already been released on bail and there is no reason why the Applicant should continue behind bars. It is submitted that the Applicant has no criminal antecedents. It is submitted that nothing is on record even to indicate that the Applicant is a crime syndicate member, and this is the only offence registered against him. It is submitted that the investigation was over, and the charge sheet was also filed.

5. Mr Konde Deshmukh, learned Additional Public Prosecutor appearing for the State, submitted that the offence was committed in well-planned design by the accused. The offence is serious. It is submitted that the Applicant was actively involved in the offence that led to the registration of the FIR against him.

6. This Court has perused the copy of the charge sheet filed along with the accompanying documents. The applicant has remained behind bars for more than five years. Admittedly, the Applicant has no criminal antecedents. There is not a single case in which the Applicant is even suspected to be involved with any of the co-accused, including the alleged gang leader Accused No.1 Pramod. Having regard to the aforesaid, the embargo of Section 21(4) of the MCOC Act would not apply. The investigation has been completed, and the charge sheet has also been filed before the learned trial Court. The Applicant can not be said to be at flight risk. This Court is, therefore, of the opinion that continued custody of the Applicant is no longer required and

that the Applicant should be enlarged on bail.

7. In light of the above, this Court is inclined to grant Bail to the Applicant. Accordingly, the application is allowed in the following terms.

ORDER

- a) The Applicant Pramod Appa More be released on bail in connection with C.R.No.511 of 2017 registered at Satara City Police Station, Satara, on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.
- b) The Applicant shall attend the concerned Police Station on the 1st Saturday of every month between 1.00 p.m. and 4.00 p.m. till the conclusion of the trial.
- c) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- d) The Applicant shall furnish the permanent address and contact details to the Inspector of the concerned Police Station and intimate the change, if any.

e) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

8. Needless to say, violation of any of the aforesaid conditions will make the Applicant liable for cancellation of bail.

9. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

10. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]