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Mr. Amit Palkar, APP for the State.

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DATED : 16 DECEMBER 2022

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 1059 of 2018 registered at Baramati City Police Station, Pune for the offences punishable under Section 395 of Indian Penal Code and Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. According to the prosecution, the complainant is running hotel. It is alleged that on the day of incident which took place on 19 December 2018, at about 8.15 p.m., the present applicant and other co-accused accosted the complainant, while he was coming back from Masjid

to his hotel. According to the prosecution, they then assaulted him as he was refusing to give them biryani free of cost. It is alleged that then they took him to his hotel, picked up the cash of Rs.4,300 from cash counter and while going away threatened him of dire consequence, if the matter is reported to police.

4. During the course of investigation, the accused No.3 was found to be running organized crime syndicate and the applicant and other co-accused were found to be its members. The offences punishable under Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 were, therefore, invoked.

5. I have heard the learned Counsel for the applicant and the learned APP for the State and perused the statement of the complainant recorded under Section 164 of Cr.P.C.

6. The complainant in a statement under Section 164 of Cr.P.C. has not attributed any role to the applicant in crime in question. The applicant is not involved in any other crime. Prima facie, there is no material to connect the present applicant with the alleged organized crime syndicate. The applicant is in jail for more than four years.

7. Considering the above facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Ajay @ Balli Suresh Deshmukh be released on bail in Crime No. 1059 of 2018 registered at Baramati City Police Station, Pune for the offences punishable under Section 395 of Indian Penal Code and Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned Police Station, once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
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