

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4432 OF 2021

Poonam Vikas Mane @ Swati Shelke

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket U. Nikam with Mr.Amit Icham, A.Satpute i/by
Mr.VN.Arote, Advocate for applicant.
Mr.A.A.Palkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th October 2022

PC :

1. The applicant was arrested on 20th November 2019 in connection with CR No.86 of 2019 registered with Kamshet Police Station, Pune (Rural) for the offences under Sections 364A, 386, 324, 323, 504, 506 r/w 34 of IPC and Section 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crimes Act.

2. The case of prosecution is that first informant is in business of garments. In March-2019 he was acquainted with accused no.3 who seduced him and offered him sexual relationship. There was physical relationship between them on 29th March 2019. Thereafter accused abducted the informant and took him at remote place by a vehicle and demanded Rs.25 lakh by extortion and threatened that in the event he refuses to pay the amount, the accused would reveal his affair to his family and would kill him. The informant was assaulted with bamboo which resulted in injuries to his left arm. The amount of Rs.90,000/- was extorted from informant by online money transaction.

3. Investigation was completed and charge sheet was filed. Proposal was submitted for applying provisions of Maharashtra Control of Organized Crimes Act. The proposal was granted. Charge sheet was filed for all the aforesaid offences.

4. Learned counsel for applicant submitted that the applicant has no criminal antecedents. She has no connection with the gang leader or other co-accused. She was used at the most for honey trap. There are no criminal antecedents against applicant.

5. Learned APP submitted that facts of the case would reveal that applicant was acting in collusion with other accused. The first informant was abducted and huge amount was extorted from him. Statement of co-accused was recorded which shows participation of applicant in the incident.

6. The applicant is in custody from 20th November 2019. There are no criminal antecedents against her. She is not involved in any case with the co-accused. She is not member of gang. At the most it can be said that she was used by the accused for laying trap to abduct the informant. There is nothing on record to show that applicant had shared extortion amount. Considering aforesaid factual aspects, embargo u/s.21(4) of MCOC Act would not restrict grant of bail to the applicant.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.86 of 2019 registered with Kamshet Police Station,

District Pune, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for eight weeks;

(iv) The applicant shall attend Kamshet Police Station once in three months on every first Saturday between 11 am and 1 pm till further orders.

(PRAKASH D. NAIK, J.)

MST