

SATISH
RAMCHANDRA
SANGAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 819 OF 2022

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SATISH RAMCHANDRA
SANGAR
Date: 2023.02.06
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Pradip Dattatraya Jadhav
Age : 30 Years, Occu. : Business,
R/at : New Vikas Nagar, Khed,
Satara, Tal. & Dist. Satara,
(At present Kolhapur Central
Prison, Kolhapur)

... Applicant

Versus

The State of Maharashtra
(At the instance of the P.I. -
Satara City Police Station, Satara)

... Respondent

Mr.Aniket U. Nikam a/w Mr.Amit Icham and Mr.Piyush Toshniwal i/b.
Mr.Vivek N. Arote, Advocate for the Applicant.
Mr.H.J.Dedhia – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 2nd FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate Shri.Nikam for the Applicant and learned APP Shri.Dedhia for the Respondent-State.

2. Pending trial, the Applicant who is the Accused No.2 is praying for bail. Charge-sheet is filed for the offences punishable under Sections 395, 341, 364, 504 and 506 of the Indian Penal Code, 1860 [“IPC”] and under Sections 39, 45 of the Maharashtra Money Lending (Regulation) Act, 2014 [“MMLR Act”] and under Section 3(1)(i), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 [“MCOC Act”].

3. This Court has already granted bail to accused Mayur Gavali,

Sandeep Jadhav, Akash Khude. Parity is claimed. My attention is invited to those orders. This Court has already observed that the explanation offered by the first informant for lodging the complaint belatedly is afterthought. The duration of the offence is from 26th November, 2016 to April-2017 and an FIR is lodged after five months on 24th September, 2017. This Court has also reiterated the observations made by the Sessions Court that invocation of MCOC Act is doubtful. It was made by the Sessions Court while rejecting the Bail Application.

4. In the affidavit filed by the Assistant Superintendent of Police, there are two charts. it is reproduced on internal page no.11. Learned Advocate Shri.Nikam has explained which are those offences. One offence bearing No.1060 of 2017 was registered after the present offence. In this charge-sheet, Akash Khude is shown as a gang leader and he had been granted bail by this Court. This Court in those orders have also observed that confession given by the accused Avinash Sathe is exculpatory.

5. Learned Advocate Shri.Nikam relied upon the following judgments :-

- (i) Mrugank Kalwallkar @ Mickky V/s. State of Maharashtra [Bail Application No. 2388 of 2022 : 13th October, 2022 : Bombay High Court]
- (ii) Pramod @ Khandya Balasaheb Dharashivkar V/s. The State of Maharashtra [Criminal Bail Application No. 4229 of 2021 : 19th October, 2022 : Bombay High Court]

In those orders, this Court while granting bail has considered long incarceration.

6. Learned APP strongly opposed the grant of bail for the reason that this Applicant has also threatened the first informant, so also, there is an offence registered against him. According to him, he has repeated and threatened the first informant. Learned APP expressed an apprehension that the first informant and other witnesses may be afraid of deposing against the Applicant, if he is released on bail.

7. After going through the papers, I am inclined to grant bail to the Applicant. The observations made by this Court in the orders referred above, in the present offence are material. The Applicant is behind the bar since 24th September, 2017. The apprehension about threatening the witnesses can be taken care of by imposing strict conditions. I am inclined to impose heavy amount of surety considering the allegations in the FIR. Hence, I am inclined to grant bail. Hence, following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Pradip Dattatraya Jadhav be granted bail in connection with C.R. No.779 of 2017 registered with Satara City Police Station – Satara on furnishing personal bond and surety bond of Rs.1,00,000/-.
- (iii) Applicant not to enter Satara district except for attending the trial.
- (iv) Applicant to furnish temporary address of residence to the Police and to the Court while furnishing bail and to inform the change in the address.
- (v) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (vi) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.

8. 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.
9. Application is disposed of in the aforesaid terms.
10. All the parties to act on an authenticated copy of this order.

(S. M. MODAK, J.)