

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2315 OF 2022

Uday Raghunath More ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Satyavrat Joshi a/w Mr. Shubham Mhatre i/b Mr. Nitesh Mohite for the Applicant.

Ms Veera Shinde, APP for the State.

Ms. Ashwini Shendage, Dysp, Ashta Police Station, Sangli, Present.

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CORAM : N.R. BORKAR, J.

DATED : 23 FEBRUARY 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 15 of 2019 registered at Astha Police Station, Sangli for the offences punishable under Sections 143, 147, 148, 149, 427 of the Indian Penal Code, Sections 3, 4 r/w 25 of the Arms Act, Sections 3, 7 of the Prevention of Damage to Public Property Act and Sections 3(1), 3(2), 3(4), 3(5) of Maharashtra Control of Organized Crime Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on the date on incident which took place on 5 February 2019, the present applicant and other co-accused formed an unlawful assembly, the object of which was to terrorize the people of Ashta town and establish the supremacy of their organised crime syndicate. It is alleged that in furtherance of the said object, the present applicant and other co-accused created ruckus near Nagarpalika square of Ashta town, wielded deadly weapons and caused damage to public property.

5. I have perused the statement of eye-witnesses. Though, according to the prosecution, the present applicant is gang leader, however, it appears from their statement that the present applicant was not part of alleged unlawful assembly. The applicant is in jail for more than three years. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant- Uday Raghunath More shall be released on bail in Crime No. 15 of 2019 registered at Astha Police Station, Sangli for the offences punishable under Sections 143, 147, 148, 149, 427 of the Indian Penal Code, Sections 3, 4 r/w 25 of the Arms Act, Sections 3, 7 of the Prevention of Damage to Public Property Act and Sections 3(1), 3(2), 3(4), 3(5) of Maharashtra Control of Organized Crime Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

- (iii) The applicant shall not enter into the limits of Sangli District except to attend the dates before the trial Court.
- (iv) The applicant shall attend the concerned police station within whose jurisdiction he going to reside 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.)