



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

BAIL APPLICATION NO. 2780 OF 2023

KAMAR SARDAR MUJAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Nagesh Y. Chavan, for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 8, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offences punishable under sections 302, 364, 364(A), 118, 212, 120B of the Indian Penal Code, 1860, under sections 3,25 and 4,25 of the Arms Act and under sections 3(1)(ii), 3(2), 3(3), 3(4), 3(5) of the Maharashtra Control of Organized Crimes Act, 1999 registered on 10/11/2015 vide C.R. No.116 of 2015 with Sanjay Nagar police station, Sangli.
3. The applicant is the accused no.3. The applicant was arrested on 11/11/2015.
4. In brief it is the case of the prosecution that the

original complainant/informant lodged the complaint on 10/11/2015 at Sanjay Nagar Police Station, Sangli inter alia stating therein that her husband namely Gorakhnath is having one Pan Shop near Lovely Circle and he used to go to his pan shop at about 10.00 a.m. and used to come back at 4:00 p.m. It is the case of the original complainant/informant that the neighbor of the complainant Mohammad Nadaf had demanded Rs 2 lacs ransom from Gorakhnath and had given threats to him. As such, the complaint came to be lodged with Sanjaynagar police station and police protection had been given to Gorakhnath. According to the complainant, on 9/11/2015, her husband left the house at 11.00 pm. after dinner but did not come back Thereafter, one Vishal Mane came to the house of the complainant and told that slippers of Gorakhnath are lying near Joshi school. As such, the complainant and her brother in law Vishal went there and saw the slipper chappal of the deceased. Since the husband of the complainant did not return that night, the complaint came to be lodged against the present Applicant/Accused hereinabove and others with Sanjay Nagar Police Station on 10/11/2015. On the basis of

the complaint lodged by the original complainant, offence vide C.R. No 116/2015 under sections 364-A r/w 34 of Indian Penal Code was registered at Sanjay Nagar Police Station, Sangli on 10/11/2015 against (1) Mohammad Nadaf, (2) Sagar Shendge, (3) Mangesh Kamble and (4) Akshay Patil and investigation was commenced.

5. So far as the applicant is concerned, it is alleged that the applicant fled away with the gang-leader. The applicant is not one of the assailant but he was present along with the gang-leader. The applicant was arrested on 11/11/2015 and is now in custody almost for 8 years. I am informed that even charge has not so far been framed. The present offence is the only offence in common with the gang-leader. There is one previous offence of the year 2015 which is pending against the applicant under section 307 of IPC registered with Vishrambag police station vide C.R. No. 180 of 2015 which is an independent offence not connected with the activities with the gang. The trial is likely to take a long time to conclude. There are 140 witnesses to be examined by the prosecution. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long

time to conclude. Further custody only will be by way of a pre-trial punishment in the facts and circumstance of the case. The applicant will face the consequences post-trial if found guilty. The antecedent reported against the applicant itself should not be a reason to deprive the applicant the facility of bail considering the period the applicant had spent in the custody. I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Kamar Sardar Mujawar in connection with C.R. No. 116 of 2015 registered with Sanjay Nagar police station, Sangli shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Sanjay Nagar police station, Sangli once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall stay outside the Sangli City Corporation limits after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)