

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2951 OF 2022

Santosh @ Rutik Shankar Chakranarayan @ Patre ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Paras Yadav for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 15 MARCH 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 191 of 2019 registered at Sangli Rural Police Station for the offences punishable under Sections 395, 397, 120-B of the Indian Penal Code, Sections 4, 25, 27 of the Arms Act and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

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

4. According to the prosecution, the present applicant is a member of organized crime syndicate formed by co-accused Sharukh Nadaf. The allegations against the present applicant and other co-accused are that they hatched a conspiracy to rob the truck drivers and pursuant to the said conspiracy on the date of incident, which took place on 9 July 2019, they robbed the complainant and witnesses, inter alia, of cash amount of Rs. 5500/-.

5. The applicant is made accused in the present crime on the basis of panchnama drawn in Crime No. 193 of 2019, in which the applicant was arrested on 11 July 2019. It appears that the applicant was thereafter taken in custody in the present crime on 15 July 2019. It is, however, not understood as to why the test identification parade was not conducted immediately thereafter within a reasonable period. It appears that the letter to that effect was given only in November 2019 and test identification parade was thereafter conducted in December 2019. The applicant is in jail for about four 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 shall be released on bail in Crime No. 191 of 2019 registered at Sangli Rural Police Station for the offences punishable under Sections 395, 397, 120-B of the Indian Penal Code, Sections 4, 25, 27 of the Arms Act and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on furnishing PR 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.
- (iv) The applicant shall not commit any other offence.
- (v) The prosecution is at liberty to file an application for cancellation of bail, if the conditions are breached.

(N.R. BORKAR, J.)