

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4495 OF 2021**

Suraj Hanumant Sakhare ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Aniket Ujjwal Nikam a/w Mr. Aashish Satpute a/w Mr. Piyush Toshnival a/w Mr. Varad Ozarkar a/w Abdul Quadir Auti i/b Mr. Amit Icham for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 16 MARCH 2023

P.C. :-

1. 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 Juna Rajwada Police Station, Kolhapur for the offences punishable under Sections 364-A, 365, 386, 387, 326, 323, 504, 506 r/w. 34 of the Indian Penal Code, Sections 3 r/w. 25 of Indian Arms Act, Sections 39, 42, 45 of Maharashtra Money Lending (Regulation) Act, 2014 and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act).

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

4. Perusal of the FIR shows that though the complainant was

aware that the applicant was running organised crime syndicate, he approached him and borrowed Rs.10 Lakhs from him. According to the complainant though he had repaid the said amount, still he was abducted and assaulted by the present applicant and other co-accused and additional amount of Rs.25 Lakhs was demanded.

5. If according to the complainant, he was aware that the applicant was running organised crime syndicate, then it is not understood as to why he had gone to him to borrow money. There is a delay in lodging the FIR.

6. The learned APP submits that the applicant is involved in 11 more crimes. However, considering the overall facts and circumstances of the case and as the applicant is in jail for about four years, I am inclined to release him on bail. Hence, the following order is passed:

(i) The Application is allowed.

(ii) The applicant shall be released on bail in Crime No. 191 of 2019 registered at Juna Rajwada Police Station, Kolhapur for the offences punishable under Sections 364-A, 365, 386, 387, 326, 323, 504, 506 r/w. 34 of the Indian Penal Code, Sections 3 r/w. 25 of of Indian Arms Act, Sections 39, 42, 45 of Maharashtra Money Lending (Regulation) Act, 2014 and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act) on furnishing PR bond in the sum of Rs. 1,00,000/- (Rupees One Lakh) with one or two local sureties in

the like amount.

(iii) The applicant shall not enter into the limits of Kolhapur district except to attend the dates before the trial Court till conclusion of trial.

(iv) The applicant shall provide his residential address and mobile number, if any to the Juna Rajwada police station.

(v) The applicant shall attend the concerned police station, within whose jurisdiction he is going to reside after his release, 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.)