

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

CRIMINAL BAIL APPLICATION NO. 11 OF 2022

Pratik @ Anup Sanjeev Jadhav

...Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Aniket Nikam i/b Mr.Nitesh Jaywant Mohite, for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in C.R. No.04 of 2021 registered with Bhuinj Police Station, Satara for the offences punishable under Sections 302, 307, 364, 120(B), 396, 201 read with Section 34 of the Indian Penal Code ('IPC' for short) and Section 3(1)(i)(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organised Crime Act ('MCOCA Act' for short).

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2. It is prosecution's case that, on 6th January 2021 Bhuinj Police Station had received missing complaint about Mr. Omkar. During investigation of the missing complaint, it revealed that, four unknown persons had kidnapped Mr. Omkar. The incident was witnessed by Gaurav Matkar. It is further alleged that, on 8th January 2021 the Police apprehended accused Nos.1 to 4 on the accusation of murder of Mr. Omkar. It is alleged that, they had stolen gold ring and mobile phone of Mr. Omkar. The motive behind commission of crime was deceased Mr. Omkar used to harass sister of accused No.1. Therefore, at the instance of accused No.1 all accused committed murder of Omkar. They burnt his dead body in Bhuinj Crematorium and thrown ash in river water. FIR was registered against accused Nos.1 to 6. In investigation it revealed that, the amount of Rs.7,20,000/- was transferred in the account of accused No.1. and thereafter amount was transferred in account of accused No.9- Pratik Pawar. It is alleged that applicant had taken Rs. 20,000/- from one witness on behalf of accused No.1. Therefore, the name of the Applicant was added in the present crime.

3. It is contention of the learned counsel for the Applicant that, allegations against the Applicant are that, he had transferred the amount in the bank account of co-accused, except these allegations there are no material produced on record against the Applicant.

4. The learned counsel further submitted that, Applicant is behind bar more than 2 and ½ years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

5. The learned APP submitted that, on the earlier day of incident, Applicant had transferred the money in the bank account of accused No.1 and thereafter, after the incident he extorted the money from witness Aniket Shetye. Though applicant was not present at the time of crime, he was member of an organized crime syndicate. If he released on bail he may threaten prosecution witnesses. Hence, requested to reject the Application.

6. I have heard both learned counsel. Perused FIR and charge-sheet.

7. The allegations against the Applicant are that, he had provided monetary help to the accused No.1. It appears from record that, the Applicant had transferred the money in the bank account of accused No.1 as well as Accused No.9-Pratik Pawar, in between 5th January 2021 to 2nd March 2021. The alleged incident was happened on 8th January 2021. There is statement of witness Aniket Shetye who states that, Applicant had asked him for Rs.20,000/- in the month of February in the name of Accused No.1. It appears that, money was transferred in the account of accused No.1, after the incident. There is no material produced on record to show that, the said amount was transferred in connection of the murder of deceased. The Applicant is behind bar more than two years. The Applicant has one antecedent and he has been acquitted from that offence. Investigation is completed and charge-sheet has been filed.

8. Considering the above facts, further detention of the Application is not required.

9. In view of above, I pass following order.

ORDER

- (i) The Applicant be released on bail in Crime No.04 of 2021 registered with Bhujinj Police Station, Satara on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) After his release from jail the Applicant shall attend the Bhujinj Police Station, Satara once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)