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

BAIL APPLICATION NO. 134 OF 2023

AKASH MARUTI MALI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Kedar J. Patil a/w Adv. Sachin Mane a/w Adv. Pratik
Tare a/w Adv. Sakshi Kadam a/w Adv. Jitesh Mundwa a/w
Adv. Gargi Joshi for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 15, 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 offence punishable under Sections 364-A, 384, 386, 388, 397, 327, 452, 120-B of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short) registered on 21.11.2021 vide C.R. No.552 of 2021 with Juna Rajwada Police Station, Kolhapur.

3. The date of the incident is 13.11.2021. In all there are eight accused. The applicant is the accused no.4. The complainant and accused No.8-Shruti Anil Bhosale started chatting on Whatsapp. Shruti is 17 years of age. The complainant met Shruti on 13.11.2021. The informant took her to his flat. After Shruti went to washroom, four persons rang the doorbell. They entered in the flat and threatened the informant. The accused took a sum of Rs.1,50,000/- as and by way of extortion. They further took the informant's gold ornaments consisting three rings and one chain with three blank cheques. It is the case that all the accused are a part of the racket where the accused No.8 purposely trapped the informant with the object of extortion.

4. Initially the applicant was enlarged on bail by an order dated 25.11.2021. Thereafter, the MCOC was applied and therefore the bail of the applicant was cancelled on 24.12.2021. There is no commonality of the applicant with the offences committed by the gang leader. So far as one of the earlier offence which was registered against the applicant in Regular Criminal Case No.600 of 2017 is

concerned, the same has resulted in acquittal of the applicant. Apart from the present case there is no commonality of the applicant with the offences committed by the other accused. Even in the present case the allegation is that the applicant was waiting outside and was not the one who assaulted the informant.

5. Learned APP opposed the application for bail and submitted that on the basis of the statement of the co-accused it reveals that a sum of Rs.1,00,000/- was kept in the dicky of the scooter of the present applicant which was distributed among all the gang members.

6. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. Considering the role of the applicant and the fact that the applicant is in custody since 25.12.2021, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Akash Maruti Mali in connection with C.R. No.552 of 2021 registered with Juna Rajwada Police Sation, Kolhapur 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 shall attend the Investigating Officer of Juna Rajwada Police Sation, Kolhapur once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) 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.

(e) 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.

(f) The applicant shall not leave the area of Kolhapur District without intimating the Investigating Officer.

7. The application is disposed of.

(M. S. KARNIK, J.)