

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 212 OF 2023**

Kalam Salim Ryene

... Applicant

Versus

The State of Maharashtra

... Respondent

.....

Mr. Aniket Vagal alongwith Mr. Kunal Pednekar and Mr. Divesh Mehani
for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 8 FEBRUARY 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 555 of 2020 registered at Upnagar Police Station, Nashik for the offences punishable under Sections 120B, 302, 395, 397, 143, 147, 148, 149, 201 of Indian Penal Code read with Sections 3(25), 4(25) of the Arms Act and Section 3(1)(i),(ii), 3(2), 3(3), 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 State.

4. According to the prosecution, on the date of incident which took place on 15 November 2020, the present applicant and other co-

accused committed the murder of the deceased due to previous dispute and as he was causing obstruction in the illegal activities of organized crime syndicate formed by co-accused Sagar Mhaske of which the present applicant and other co-accused are members.

5. I have perused the charge-sheet. It is alleged that present applicant was in contact of co-accused Harsh Mhaske. It is further alleged that, on the date of incident, the applicant took the co-accused in his auto-rickshaw to the place of incident and after the alleged incident, he had helped them to run away from the place of incident. This Court has granted bail to co-accused Shibhan Shaikh who was part of unlawful assembly. The present applicant is in jail for more than 2 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 - Kalam Salim Ryene be released on bail in Crime No. 555 of 2020 registered at Upnagar Police Station, Nashik for the offences punishable under Sections 120B, 302, 395, 397, 143, 147, 148, 149, 201 of Indian Penal Code read with Sections 3(25), 4(25) of the Arms Act and Section 3(1)(i),(ii), 3(2), 3(3), 3(4) of the Maharashtra Control of Organized Crime Act, 1999, on furnishing P.R. 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 trial.

(N.R. BORKAR, J.)