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PRASHANT
DHURI

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 448 OF 2022

Chandrabhaga Lala Mhaske ... Applicant

Versus

State of Maharashtra ... Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 2133 OF 2022

Manda Sanjay Jadhav ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Satyavrat Joshi instructed by Mr. Samay Pawar for the Applicant in BA-448-2022.

Mr. Aniket Vagal for the Applicant in BA-2133-2022.

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

API R.S. Mohite, Kondhwa Police Station, Pune, present.

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CORAM : N.R. BORKAR, J.

DATED : 7 JANUARY 2023

P.C. :-

. Both these applications are filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicants came to be arrested in Crime No. 1069 of 2020 registered at Kondhwa Police Station, Pune for the offences

punishable under Sections 143, 302 of Indian Penal Code and Sections 3(1)(i), 3(2) and 3(4) of the the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act).

3. On the date of incident which took place on 6 October 2020 at about 4.30 p.m., some of the co-accused were consuming liquor together. According to the prosecution, the dispute arose between the co-accused Dnyaneshwar Langade and the deceased and they started abusing each other. It is alleged that the present applicants and other co-accused thereafter assaulted the deceased by paver block and committed his murder.

4. I have heard the learned Counsel for the applicants and the learned APP for the State.

5. The learned Counsel for the applicants submits that the present applicants have nothing to do with alleged crime. They are implicated in the crime in question just because they are the mother and sister of the co-accused Akash, who according to the prosecution is a gang leader. It is submitted that the applicants do not have any other criminal antecedents. The learned Counsel for the applicants submits that the applicants are in jail for more than two years. It is submitted that considering these facts and circumstances, the applicants may be released on bail.

7. On the other hand, the learned APP for the State submits that

the applicants are involved in serious crime of murder. It is submitted that there are eye-witnesses to the incident. It is submitted that the applicants are members of organised crime syndicate. It is submitted that considering the nature of offence, the applicants may not be released on bail.

8. I have perused the charge-sheet and more particularly, the statement of eye-witness – Najma Mulla Shaikh. It appears that initially quarrel took place between co-accused Dnyaneshwar Langade and the deceased and they started abusing each other. While they were near the house of witness Parmeshwar Thoke, the co-accused Akash came there and assaulted the deceased. According to her, co-accused Dnyaneshwar Langade thereafter assaulted the deceased by paver block. According to her, another co-accused Sanket Alhat picked up the stone and assaulted the deceased on his head. According to her, thereafter, the present applicants came there. Admittedly, the present applicants were not there at the time of alleged assault. The applicants are in jail for more than two years and there are no other criminal antecedents. Prima facie, from the material in the charge-sheet, it is difficult to infer that the present applicants are the members of organized crime syndicate. Considering the facts and circumstances of the case, I am inclined to release the applicants on bail. Hence, the following order is passed :

- (i) Applications are allowed.
- (ii) The applicants be released on bail in Crime No. 1069 of 2020 registered at Kondhwa Police Station, Pune for the offences punishable under Sections 143, 302 of Indian Penal Code and Sections 3(1)(i), 3(2) and 3(4) of the the Maharashtra Control of Organised Crime Act, 1999 on

furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

(iii) The applicants shall not enter into the limits of Kondwa Police Station, Pune till conclusion of the trial.

(iv) The applicants shall attend the Shivaji Nagar Police Station, Pune, once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.

(N.R. BORKAR, J.)