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

BAIL APPLICATION NO.561 OF 2023

TEJAS ANIL GANGURDE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Aniket Ujjwal Nikam a/w Adv. Aashish I. Satpute a/w
Adv. Piyush Toshnival a/w Adv. Amit R. Icham for the
applicant.

Ms. Rutuja Ambekar, APP for the State.

API Rakesh Bhamare, Upnagar Police Station, Nashik.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 6, 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 392, 395, 120-B, 201 read with
34 of the Indian Penal Code (hereafter 'IPC' for short),
under Section 4(25) of Arms Act, under Section 142 of
Maharashtra Police Act 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
05.09.2021 vide C.R. No.I-155 of 2021 with Upnagar Police
Station, District Nashik.

3. The applicant is the accused No.3. The applicant was arrested on 10.10.2021.

4. By an order dated 06.07.2023 the trial Court has enlarged the co-accused No.4– Kerala @ Aniket Raju John on bail.

5. It is the prosecution case that on 04.09.2021 at about 9.20 p.m., seven to eight accused persons entered the shop of the complainant and took away Rs.5,200/- from cash counter by showing the threat of sickle and sword. The role assigned to the applicant who is the accused No.3 is that he along with accused No.4-Kerala @ Aniket Raju John was keeping a watch outside the shop and alerted the other accused when they realised that crowd started gathering near the shop.

6. Learned APP while opposing the application for bail invited my attention to the affidavit filed by Shri Ananda Mahadu Wagh, Assistant Police Commissioner, Nashik Road Division, Nashik City. It is submitted that the applicant is a member of a gang of which one Siddhya @ Siddhant Dhanedhar is the gang leader. Learned APP submitted that

there are several offences registered against Siddhya @ Siddhant Dhanedhar. So far as the present applicant is concerned apart from the present offence, there are two offences viz. C.R. No.588 of 2020 under Sections 394, 34 of the IPC and C.R. No.589 of 2020 under Sections 452, 324, 427 of the IPC of the Nashik Road Police Station registered against him. The said offences are not common with any of the gang leader or any of the gang members. Learned APP then submitted that there are as many as 90 calls exchanged between the applicant and the gang leader. Then it is submitted that there are several calls exchanged by the applicant with the co-accused No.4-Kerala @ Aniket Raju John to indicate the complicity of the applicant in the present crime and that the applicant is a part of the Organized Crime Syndicate.

7. The co-accused No.4-Kerala @ Aniket Raju John has as many as five cases registered against him having an identical role as the applicant has been enlarged on bail by the trial Court. In these circumstances on the ground of parity even the applicant who is definitely not having role

greater than that of the co-accused No.4 can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Tejas Anil Gangurde in connection with C.R. No.I-155 of 2021 registered with Upnagar Police Station, District Nashik 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 Upnagar Police Station, District Nashik twice a month on the first and third Monday of every month between 11.00 a.m. to 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.

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8. The application is disposed of.

(M. S. KARNIK, J.)