

... Applicant

... Respondent

PSI Jitendra Girnar, Wakad Police Station, present.

DATED : 11 JANUARY 2023

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. 186 of 2021 registered at Wakad Police Station, for the offence punishable under Sections 307, 324, 326, 143, 147, 148, 149, 504, 506(II), 427 of Indian Penal Code, Section 4 r/w. 25 of Arms Act, 1959, Section 37(1)(3), 135 of the Maharashtra Police Act, 1951 and Sections 3(1)(ii), 3(4), 24 of the 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 and have gone through the affidavit in reply filed by the State.

4. On the basis of the complaint lodged by Sanjay Ghodke alleging assault by the present applicant and other co-accused by koyta, stick etc., initially crime was registered for the offences punishable under the Indian Penal Code and the Arms Act. During the course of investigation, it was found that co-accused Haider Javed Sayyad Shaikh had formed an organized crime syndicate and his gang had committed multiple offences. The proposal to invoke the offences punishable under the MCOC Act was thus submitted to the competent authority. After approved by the competent authority, the prosecution has invoked the offences punishable under the MCOC Act and after sanction filed the charge-sheet for the said offences.

5. I have perused the FIR and statement of eye-witnesses. At the time of alleged incident the applicant was not armed with any weapon. The only allegation against the present applicant is that he had abused the eye-witness- Priyanka Tambore. There are no other criminal antecedents. The applicant is in jail for about two years. Considering these facts, I am inclined to release the present applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Aniket Manoj Hatamkar be released on bail in Crime No. 186 of 2021 registered at Wakad Police Station, for the offence punishable under Sections 307, 324, 326, 143, 147, 148, 149, 504, 506(II), 427 of Indian Penal Code, Section 4 r/w. 25 of Arms Act, 1959, Section 37(1)(3), 135 of the Maharashtra Police Act, 1951 and Sections 3(1)(ii), 3(4), 24 of the 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.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
Date: 2023.02.07
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