

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 624 OF 2023**

Anuj Harbir Bahenwal

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. S. T. Pandey a/w Mr. Arnind Singh a/w Ms. Ritu Singh a/w Ms. Kajal Upadhyay a/w Ms. Anima Mishra a/w Ms. Angela Singha a/w Mr. Anuj Singh i/b SBG Law Advocates for the Applicant.

Mr. Amit Palkar, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 20 APRIL 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for 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 302, 395, 397, 143, 147, 148, 149, 120-B, 201 of the Indian Penal Code, Sections 3 & 4 r/w 25 of Arms Act, Section 135 of Maharashtra Police Act and Sections 3(1)(i)(ii), 3(2), 3(3), 3(4) of Maharashtra Control of Organized Crime Act, 1999.

3. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record copy of the order passed by this Court dated 11 August 2022 in Criminal Bail Application No. 3804 of 2021. By the said order, this Court has released

the co-accused Shibhan Shafi Shaikh on bail.

4. According to the prosecution, the present applicant is a member of organised crime syndicate formed by co-accused Sagar Mashke. It is alleged that on the date of incident which took place on 15 November 2020, the present applicant and other co-accused assaulted the deceased by koyta and knife and committed his murder due to previous enmity and as he was opposing illegal activities of their organised crime syndicate.

5. I have perused the charge-sheet. The role attributed to the present applicant and co-accused Shibhan Shafi Shaikh appears to be identical. In that view of the matter, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 555 of 2020 registered at Upnagar Police Station, Nashik for the offences punishable under Sections 302, 395, 397, 143, 147, 148, 149, 120-B, 201 of the Indian Penal Code, Sections 3 & 4 r/w 25 of Arms Act, Section 135 of Maharashtra Police Act and Sections 3(1)(i)(ii), 3(2), 3(3), 3(4) of Maharashtra Control of Organized Crime Act, 1999 on furnishing PR bond in the sum of Rs. 50,000/- 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 Monday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)