

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1275 OF 2022

Manya@ Manish Ramvilas Nagori

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Kedar Jaysing Patil along with Mr. Pratik Tare, Ms. Sakshi Kadam, Mr. Sachin Y. Mane, Mr. Jitesh Mundwa and Ms. Gargi Joshi, Advocate for the Applicant.

Ms. Pallavi Dabholkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.482 of 2019 registered with Shivaji Nagar Police Station, District-Kolhapur, for offences punishable under Sections 364-A, 395, 386, 120B, 323 and 506 of Indian Penal Code, 1860 and Section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, (for short “the MCOC Act”).

2. It is prosecution’s case that complainant- Shreenath Lole along with his friend – Sanjay Singi was kidnapped by accused Nos.1 to 4 and was beaten up by them. Accused Nos.1 to 4 asked the

complainant to pay an amount of Rs.5,00,000/-, then, complainant made a phone call to his brother. His brother brought Rs.50,000/-. The said amount was taken by accused Nos.1 to 4 and they released the complainant and his friend. It is alleged that accused No.3-Mandar had threatened complainant by putting knife on his neck. On the statement of accused No.4-Arun Koli, applicant has been arrested in connection with this crime.

3. It is the contention of learned counsel for applicant that applicant has been falsely implicated in this case. The main accused i.e. accused Nos.2 and 3 have been released on bail. Accused No.4 – Arun Koli who had demanded the money from applicant has also been released on bail. Applicant's name was not mentioned in the FIR. There is no recovery at the instance of applicant. Applicant is behind bar for more than four years. Investigation is completed, charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant is a member of organised crime syndicate. He has criminal antecedents. He was present at the time of incident. There is prima facie case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

In the complaint, complainant has stated the names of accused Nos.1 to 4 and one unknown person. Name of applicant is not mentioned in the FIR. After arrest of applicant, test identification parade was not taken to show his involvement in the crime. Moreover, applicant is arrested as per the statement of accused No.4 – Arun Koli, who has been released on bail. Other two accused have also been released on bail. Applicant is behind bar for more than four years. Investigation is completed and charge-sheet has been filed.

6. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.482 of 2019 registered with Shivaji Nagar Police Station, District-Kolhapur, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)