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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2153 OF 2022

Rajesh D. Salave ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Shailesh Chavan a/w. Mr. Sachin Arade for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 06.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.459 of 2021 registered at Manchar Police Station, Pune (Rural) for the offences punishable under Sections 302 and 120B read with 34 of the Indian Penal Code, Section 3 read with 25 and 27 of the Arms Act and Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 (MCOC Act).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. According to the prosecution, there was an enmity between the deceased and the co-accused Santosh Jadhav, who according to the prosecution, is a member of organized crime syndicates formed by co-accused Pawan Thorat. It is alleged that they thus

hatched the conspiracy and committed the murder of the deceased on 1 August 2021.

5. The allegations against the present applicant are that prior to the alleged incident, he gave Rs.2000/- to one of the gang member on the instructions of gang leader and even promised him to bear the expenses for their bail after the alleged incident.

6. There appears to be no enmity between the deceased and the present applicant. *Prima facie*, the applicant appears to have provided or promised to provide financial help due to fear.

7. The learned APP submits that in view of presumption under Section 22 of the MCOC Act, the applicant may not be released on bail. However, considering the overall facts and circumstances and as there are no other criminal antecedents, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No.459 of 2021 registered at Manchar Police Station, Pune (Rural) for the offences punishable under Sections 302 and 120B read with 34 of the Indian Penal Code, Section 3 read with 25 and 27 of the Arms Act and Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999

(MCOC Act) on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 4.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]