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

CRIMINAL BAIL APPLICATION NO. 1333 OF 2020

Amol Baban Jadhav

Age : 29 Years, Indian Inhabitant,

R/at : 478, Shaniwar Peth, Satara

Taluka and District : Satara.

[At present in Yerawada Jail]

... Applicant

Versus

The State of Maharashtra

[Through Sub-Divisional Officer,

Satara Division, Satara.

... Respondent

Mr.Shailesh Chavan, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

CORAM : S. M. MODAK, J.

DATED : 4th JANUARY, 2023

P. C. :-

1. Heard learned Advocate Shri.Shailesh Chavan for the Applicant – Accused No.3 – Amol Baban Jadhav as per the charge-sheet and learned APP Shri.H.J.Dedhia for the Respondent – State.

2. The present Accused is behind the bar from 6th March, 2018. There are in all 11 Accused persons. Initially, an offence was registered under Sections 395 and other Sections of Indian Penal Code (45 of 1860) and under the Maharashtra Money Lending (Regulation) Act, 2014 (Act No.VIII of 2014). During investigation, it was disclosed that Accused

No.1 is running an organized crime syndicate and that is why, they have invoked the provisions of Maharashtra Control of Organised Crime Act, 1999 (*"MCOC Act, 1999"*). Sanction is granted only against the 7 Accused persons and amongst them, present Applicant is one of them.

3. With the assistance of both the sides, I have read the papers. The complaint is lodged by one Alfaj Salimkhan Pathan on 3rd February, 2018. He was running a business of supplying sand. He was in great financial difficulty and that is why, he has borrowed the money from Accused No.1 – Khandu. It was in the year 2014. There was a dispute amongst them as to whether there was outstanding. On 10th November, 2016, the Accused No.1 along with his associates have stopped the driver of the truck and forcibly took over that truck. The Complainant tried to contact the Accused No.1, however, he threatened him that he will sell that truck. He has not lodged the complaint.

4. Next incident on the basis of which, the FIR was lodged took place in the year 2017 when the complainant learnt that there are offences registered against the leader of Accused No.1, he got a courage and the son of the complainant went for lodging of the complaint. However, Accused No.2 somehow tried to persuade the son from lodging of complaint and he took away him to a place and there, he was threatened. The present Applicant was amongst one of them.

5. Nothing is pointed out from the papers to show that any incriminating article is seized from the present Applicant. Co-accused Aftab Iqbal Shaikh is released on bail by Court of Session and co-accused Vinod alias Balu – Accused No.2 is released on default bail. Bail is

opposed on the ground that there are previous antecedents and the trial has started and one witness is examined. By way of reply, it is contended that the Applicant has acquitted in most of the offences.

6. It is true to say that there are previous offences registered against the Applicant but it cannot be a sole ground for refusing a bail, if at all the Applicant is entitled to be released on bail. Applicant is behind bar since 6th March, 2018. I do not find that bar on grant of bail as per the provisions of MCOC Act, 1999 will come into play. I am inclined to grant bail. Even though, a parade was held, the driver in-charge of that truck was not one of the witnesses. So far as second incident is concerned, there is only an allegation of threatening. It is true that the trial has started and the prosecution witnesses must come forward to give evidence. Hence, subject to imposing strict conditions, bail can be granted to him.

7. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Amol Baban Jadhav is released on furnishing personal and surety bond of Rs.30,000/-. He is directed to furnish one solvent surety to the satisfaction of the trial Court.
- (iii) He is further directed to give attendance to Satara City Police Station on every Monday from 10.00 to 12.00 noon, until completion of the trial.

- (iv) Applicant not to threaten the prosecution witnesses or to allure them in any manner.
- (v) If, there are instances of misuse of the conditions, the prosecution is at liberty to apply for cancellation of bail and it will be considered on merits.

(S. M. MODAK, J.)