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API Manoj Abhang, Faraskhana Police Station, Pune, present.

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DATED : 9 JANUARY 2023

P.C. :-

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. 1094 of 2020 registered at Faraskhana Police Station, Pune for the offences punishable under Sections 302, 143, 144, 147, 148 of Indian Penal Code, Section 37(1) of Arms Act, Section 135 of the Maharashtra Police Act. Subsequently Sections 109, 201, 120-B of Indian Penal Code added and Sections 3(1)(i)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act.

3. I have heard the learned Senior Counsel for the applicant and the learned APP for the State.

4. The bail is sought on the ground of parity. In support of the said ground the learned Senior Counsel for the applicant has tendered on record a copy of the order passed by this Court dated 14 October 2022 in Criminal Bail Application No.3969 of 2021. By the said order, this Court has released the co-accused – Mahendra Madanlal Saraf on bail.

5. I have perused the charge-sheet. The case is of contract killing. According to the prosecution, the deceased was killed at the instance of said co-accused Mahendra Saraf and the present applicant. Thus, very same motive is attributed to the present applicant and co-accused Mahendra Saraf. Considering these facts and circumstances, the applicant will have to be released on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Ashwini Sopan Kamble be released on bail in Crime No. 1094 of 2020 registered at Faraskhana Police Station, Pune for the offences punishable under Sections 302, 143, 144, 147, 148 of Indian Penal Code, Section 37(1) of Arms Act, Section 135 of the Maharashtra Police Act. Subsequently Sections 109, 201, 120-B of Indian Penal Code added and Sections 3(1)(i)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act 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.

(iv) In view of the disposal of the bail application, the interim application does not survive and the same is disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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