



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

BAIL APPLICATION NO. 2137 OF 2023

MILIND SURESH SOKASANE ..APPLICANT
VS.
STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO. 726 OF 2023**

PRADIP @ BUILDER KAKASO SATVEKAR ..APPLICANT
VS.
STATE OF MAHARASHTRA ..RESPONDENT

Mr. Ramanik P. Pawar a/w Ms. Samiksha Pawar, for the applicant.
Mr. P. H. Gaikwad, APP for the State.
PSI-Mr. Ravikant Gacche Kagal PS Kolhapur present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 07, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** These are the applications for bail in respect of the offence punishable under sections 395, 365(A), 387, 346, 506(2), 120B of the Indian Penal Code, 1860, under section 3(1)(ii), 3(2), 3(4), 3(5) 4 of the Maharashtra Control of Organized Crime Act, 1999 ('MCOCA')

Act' for short) and under sections 3(1) read with 27 of the Arms Act registered on 12/12/2017 vide C.R. No.256 of 2017 with Kagal Police Station, District-Kolhapur.

3. There are in all 8 accused. The applicants are the accused no. 5 and 6. The applicants were arrested on 19/12/2017.

4. It is the accusation that on the date of the incident i.e. 10/12/2017, 8 accused kidnapped one boy who was aged about 20 to 22 years of age. It is alleged that the present applicants are the members of gang of which Amol alias Aryabhai Sambhaji Mohite is a gang leader. The applicants are now in custody for more than 5 years and 10 months. Learned APP opposed the applications for bail by submitting that the applicants are habitual offenders and similar cases are registered against them which they have committed along with other members of the gang.

5. My attention is invited to the specific role of the applicants contending that the applicants were present at the time of commission of offence. It is submitted that against the gang leader, there are as many as 23 cases registered and present applicants were present along with other gang leader. The applicants are incarcerated for 5 years and 10 months. The accused nos. 3, 4, 8 who are having

more or less similar role are enlarged on bail. The role of the applicants is similar as that of accused no.4 and in any case not more than the role attributed to accused no.4.

6. So far as criminal antecedents are concerned, there are 3 criminal antecedents reported which are not common with gang leader. The prosecution proposes to examine 22 witnesses. Learned APP apprehends that the applicants may try to protract the trial. He submitted that the co-accused who are enlarged on bail are seeking adjournments every now and then and delaying trial.

7. It is one of the submission of the learned APP that the co-accused Netaji alias Netabhai Sambhaji Mohite and Amol alias Aryabhai Sambhaji Mohite who were enlarged on bail could not avail of the bail as they are in custody in respect of another offence. Despite being in jail Netaji and Amol have threatened the witnesses. They are lodged in Amravati and Nagpur jail respectively. Learned APP therefore expressed an apprehension that there is every possibility of the applicants influencing or threatening the witnesses. This apprehension can be allayed by imposing stringent conditions.

8. Learned APP submitted that there is recovery of ATM card from applicant-Pradip and motorcycle & jacket of the boy are recovered

from the applicant – Milind.

9. Considering that the applicants are is in custody for 5 years and 10 months with no possibility of the trial concluding any time soon, I am inclined to enlarge the applicants on bail on the ground of long incarceration by imposing stringent conditions. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant no. 1 -Milind Suresh Sokasane and applicant no. 2 – Pradip @ Builder Kakaso Satvekar in connection with C.R. No. 256 of 2017 registered with Kagal Police Station, Kolhapur shall be released on bail on their furnishing P.R. Bond of Rs.1,00,000/- each with one or more sureties in the like amount.

(c) The applicants shall attend the investigating officer of Kagal police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the

facts to Court or any Police Officer. The applicants shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish his contact number and residential address to the Investigating Officer while residing outside Kolhapur and shall keep him updated, in case there is any change.

(f) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicants shall not enter Kolhapur, Nagpur and Amravati Districts after being released on bail, till the trial concludes.

(g) The applicants shall not seek unnecessary adjournments.

(h) The applicant shall attend the trial regularly. The applicant to co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) It is made clear that any attempt on the part of the applicants to contact, influence or threaten the witnesses will be viewed seriously which may result in cancellation of this bail.

10. The application is disposed of.

(M. S. KARNIK, J.)

