



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

BAIL APPLICATION NO. 1871 OF 2023

ROSHAN R. KARAMBALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Rajendra Shirodkar, Senior Advocate a/w Mr. Archit Sakharkar and Mr. Nihar Ghag, for the Applicant.
Ms. Veera Shinde, APP for the State.
PSI- Mr. C.D. Dalvi, Malad police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 01, 2023

P.C. :

1. Heard learned Senior Advocate for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under sections 392, 341, 323, 504, 506(2) read with 34 of the Indian Penal Code, 1860, under sections 3(1) (ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short), under section 37(1)(A) of the Maharashtra Police Act registered on 11/09/2021 vide C.R. No.744 of 2021 with Malad police station.
3. The applicant is the accused no.3. The applicant was

arrested on 11/09/2021.

4. The date of the incident is 10/09/2021. It is alleged that 3 accused accosted the informant who was riding a motorcycle. The informant was threatened with a knife. The accused fled away with the motorcycle of the informant. It is further alleged that there was a cash amount of Rs.70,000/- and some documents in the dickey of the motorcycle. From the accused what is recovered is the motorcycle. The applicant has been identified in the identification parade. So far as the accused no.1 who is a gang-leader is concerned, there are as many as 9 offences registered against him with Kurar village, Dindoshi and Malad police stations. The present offence i.e. C.R. No. 744 of 2021 is the only common offence involving the applicant with the gangleader.

5. The application is opposed is by learned APP. My attention is invited to the materials on record and an affidavit-in-reply filed by the respondent. Prima facie, I am of the opinion that the materials are not sufficient to show that the applicant may have acted as a member of the organized crime syndicate. The present offence is the only

offence of the applicant which is common with the gang-leader. The applicant does not have any other offence in common with the gang-leader or any other members of the gang. There are no criminal antecedents reported against the applicant. In such a view of the matter considering that the applicant is in custody for more than 2 years and 2 months since the date of his arrest i.e. 11/09/2021, the applicant can be enlarged on bail by overcoming the twin conditions for grant of bail under the MCOCA. The applicant is not likely to commit any offence while on bail as he has no criminal antecedents to his discredit. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Roshan R.Karambale in connection with C.R. No. 744 of 2021 registered with Malad police station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the investigating officer of

Malad police station once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant 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 applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

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

(g) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)