

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1678 OF 2023

Vishal A. Mandhare ...Applicant
V/s.
State of Maharashtra ...Respondent.

Ms Shubhangi Parulekar for the Applicant.
Mr. S.V. Gavand, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATED : 12.12.2023.
(IN CHAMBER)

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.461 of 2019 registered at Baramati Taluka Police Station, Pune for the offences punishable under Sections 394, 307, 427, 504, 506 read with 34 of the Indian Penal Code and Sections 3(1)(ii) & 3(4) of the Maharashtra Control of Organized Crimes Act.
3. According to the prosecution, the applicant is a member of the organized crime syndicate formed by co-accused Santosh Adagale. It is alleged that on the date of incident, which took place on 15 May 2019, the applicant alongwith other co-accused including said co-accused Santosh Adagale came to the ice-cream shop of the complainant and refused to pay the money towards

the ice-cream purchased by them. It is alleged that when the complainant had asked them to pay the money, they threatened him, caused damage to the articles in his shop and took away cash of Rs.2500/-.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/ State.

5. The learned counsel for the applicant submits that the applicant has no concern with the alleged organized crime syndicate of co-accused Santosh Adagale. It is submitted that even otherwise the trial court has released the main accused Santosh Adagale on bail. It is submitted that the applicant is in jail for more than four years and the trial is still at the stage of framing of charge. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP submits that the applicant is member of organized crime syndicate and is involved in serious offence of dacoity. It is thus submitted that considering the nature of offence the applicant may not be released on bail.

7. I have perused the charge-sheet. The main allegations are against the co-accused Santosh Adagale. The trial court by order dated 12 December 2018 in Criminal Bail Application No.903 of 2018 has released the said co-accused on bail. The applicant is in jail for more than four and half years and the trial has not yet

commenced. Considering the overall facts and circumstances, I am inclined to release the applicant on bail on certain conditions. In the result, the following order is passed.

ORDER

- A] The Application is allowed.
- B] The applicant be released on bail in C.R. No.461 of 2019 registered at Baramati Taluka Police Station, Pune for the offences punishable under Sections 394, 307, 427, 504, 506 read with 34 of the Indian Penal Code and Sections 3(1) (ii) & 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.
- C] The applicant shall not enter into the limits of Baramati Taluka without permission of the trial Court till conclusion of trial.
- D] The applicant shall provide the address of the place where he is going to reside after his release and his contact number to the Baramati Taluka Police Station.
- E] The applicant shall attend the police station within whose jurisdiction he is going to reside after his release once in a month, i.e., on first Saturday between 11:00 a.m. to 2:00 p.m., till conclusion of trial.

[N.R.BORKAR, J.]