

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4148 OF 2021

Shashikant @ Pappu Machindra Kumbhar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Niranjan Mundargi alongwith Mr. Rupesh Zade and Ms. Priyanka Gupta for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 20 FEBRUARY 2023

P.C. :-

1. 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. 339 of 2017 registered at Kothrud Police Station, Pune for the offences punishable under Sections 364(A), 387, 394, 341, 343, 346 of Indian Penal Code, Section 3 r/w. 25 of the Arms Act and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act.

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

4. According to the prosecution, on 5 September 2017, the present applicant and other co-accused abducted the husband of the complainant and demanded ransom of Rs. 50 Lakhs. It is alleged that during the course of the investigation the alleged crime was found to be committed by the organised crime syndicate formed by co-accused Santosh Chandilkar.

5. The learned Counsel for the applicant submits that the applicant has nothing to do with the alleged organised crime syndicate of co-accused Santosh Chandilkar. It is submitted that the present applicant was hired as a driver by one of the co-accused. It is submitted that the applicant is in jail for more than five years and the trial has not yet commenced.

6. On the other hand, the learned APP for the State submits that, the husband of the complainant has identified the present applicant in test identification parade. It is submitted that the applicant is involved in four more crimes. It is, therefore, submitted that the applicant may not be released on bail.

7. I have perused the confessional statement of gang leader Santosh Chandilkar. It appears from his statement that the present applicant came in his contact few days prior to the alleged incident. The applicant is in jail for more than five years. The trial has not yet commenced. Considering the overall facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Shashikant @ Pappu Machindra Kumbhar be released on bail in Crime No. 339 of 2017 registered at Kothrud Police Station, Pune for the offences punishable under Sections 364(A), 387, 394, 341, 343, 346 of Indian Penal Code, Section 3 r/w. 25 of the Arms Act and Sections 3(1)(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 as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)