

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4049 OF 2021**

Vijay @ Bhejya Bhalchandra WaghmareApplicant

Versus

The State of Maharashtra ...Respondent

Mr. Shailesh D. Chavan with Mr. Sachin T. Zalte and Mr. Prathamesh Bankar, Advocate for the Applicant.

Mr. Y. Y. Dabke, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th SEPTEMBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No. 2 of 2018 registered with Pusegaon Police Station, Satara, for offences punishable under Sections 143, 147, 384,452,120-B,385, 504, 506 and 507 of Indian Penal Code, 1860, Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act,1999.

2. It is prosecution's case that there was land dispute between complainant's sister and accused Nos.2 and 3. Because of that dispute, accused No.2 along with others used to threaten the

complainant. In the month of October, accused nos. 1, 2 and other accused had been to the house of complainant and threatened him to sell the disputed land else they will take it forcibly. It is further alleged that accused No.1 is an habitual offender and he has created terror in that area. On the complaint of complainant, police lodged F.I.R. against accused Nos. 1, 2 and others. Initially the name of applicant was not mentioned in the F.I.R and, on the statement of witness, the name of applicant was added in the present crime.

3. It is the contention of learned counsel for applicant that role attributed to the applicant is that in the month of October 2017, he was present in front of Siddhanath Patsanstha, Pusegaon, except this, no role is attributed to the applicant. Applicant is behind bar for almost 5 years. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant is member of crime syndicate. Two cases have been registered against the applicant. Applicant was present when accused No.1 and others were threatening the complainant to sell his land by going to his house. There was involvement of applicant in the crime. If applicant is released on bail, he may threaten prosecution witness. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet. Admittedly, name of applicant was not mentioned in the FIR by complainant. Witness - Hanmant Jadhav's statement is recorded on 7th September 2018 and, in the said statement, name of the applicant is mentioned. It is stated therein that in the month of October 2017, this witness saw accused No.1 and other co-accused standing in front of Siddhanath Patsanstha at Pusegaon and applicant was one of those persons. Same statement was given by Mr. Sachin Deshmukh. It appears from the record that the date of incident is not mentioned, it is just mentioned that incident had happened in October 2017. Whereas statement of witnesses were recorded on 17th September 2018, almost one year after the incident and role attributed to the applicant was that he was present in village in front of patsanstha. It does not show applicant had gone in house of complainant. Applicant is behind bar for almost five years. Investigation is completed and charge-sheet has been filed. Considering the above facts, further detention of applicant is not required.

6. In view of above, I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No. 2 of 2018 registered with Pusegaon Police Station, Satara, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
 - (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
 - (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
 - (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
7. The application is allowed in the aforesaid terms and is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)